

Exhibit 68:

Dr. Rachael Goodman-Williams Deposition Transcript



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Transcript of the Testimony of
Goodman-Williams, Ph.D., Rachael

Date: June 1, 2023

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Case: JOHN DOES A, et al. v. GRETCHEN WHITMER, et al.

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6/1/2023

<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>JOHN DOES A, B, C, D, E, F, G, H, MARY DOE and MARY ROE, on behalf of themselves and all others similarly situated, Plaintiffs, vs. Case No. 2:22-cv-10209 Hon. Mark A. Goldsmith Mag. Curtis Ivy, Jr. GRETCHEN WHITMER, Governor of the State of Michigan, and COL. JOSEPH GASPER, Director of the Michigan State Police, in their official capacities, Defendants.</p> <hr/> <p>The Deposition of RACHAEL GOODMAN-WILLIAMS, Ph.D., Taken via videoconference, Florence, Kansas, Commencing at 9:00 a.m.,</p> <p>Page 1</p>	<p>1 The Deposition of RACHAEL GOODMAN-WILLIAMS, Ph.D., 2 Taken via videoconference, 3 Florence, Kansas, 4 Commencing at 9:00 a.m., 5 Thursday, June 1, 2023, 6 Before Heather DeMar, RPR, CSR-8951. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>Page 2</p>
<p>1 APPEARANCES 2 3 PAUL REINGOLD - P27594 4 and DAYJA TILLMAN - P86526 5 University of Michigan Law School 6 801 Monroe Street 7 Ann Arbor, Michigan 48109 8 734.355.0319 9 Appearing on behalf of the Plaintiffs. 10 11 12 ERIC JAMISON - P75721 13 Michigan Department of Attorney General 14 525 West Ottawa Street 15 Lansing, Michigan 48933 16 517.335.7573 17 Appearing on behalf of the Defendants. 18 19 20 ALSO PRESENT: 21 MIRIAM ELBAKR - INTERN WITH ACLU 22 JESSE LIN - INTERN WITH ACLU 23 24 25</p> <p>Page 3</p>	<p>1 TABLE OF CONTENTS 2 3 Witness Page 4 RACHAEL GOODMAN-WILLIAMS, Ph.D. 5 6 EXAMINATION 7 BY MR. REINGOLD: 7 8 EXAMINATION 9 BY MR. JAMISON: 155 10 11 INDEX TO EXHIBITS 12 13 Exhibit Page 14 (Exhibits retained.) 15 16 DEPOSITION EXHIBIT 1 11 17 DEPOSITION EXHIBIT 2 23 18 DEPOSITION EXHIBIT 3 46 19 DEPOSITION EXHIBIT 5 79 20 DEPOSITION EXHIBIT 7 109 21 DEPOSITION EXHIBIT 4 147 22 23 24 25</p> <p>Page 4</p>

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<p>1 Florence, Kansas 2 Thursday, June 1, 2023 3 9:00 a.m. 4 5 RACHAEL GOODMAN-WILLIAMS, Ph.D., 6 was thereupon called as a witness herein via 7 videoconference, where all parties stipulate to the 8 witness having first been duly sworn in remotely to 9 testify to the truth, the whole truth and nothing but 10 the truth, was examined and testified as follows: 11 MR. REINGOLD: Good morning, 12 Dr. Goodman-Williams. My name is Paul Reingold. I'm 13 an ACLU cooperating attorney representing the 14 plaintiffs in this case. Welcome to Michigan 15 virtually. 16 THE WITNESS: Thank you. 17 MR. REINGOLD: Sure. We're on the record 18 today for deposition pursuant to Notice in the Federal 19 Rules of Civil Procedure in the case of Does versus 20 Whitmer, for all purposes permitted by the rules. 21 I want to go over some basic rules of the 22 road to ensure that the court reporter gets a good 23 record. The other thing is I've got a brand new 24 laptop and yesterday when I was on Zoom meetings, 25 people said my microphone occasionally was dropping</p> <p style="text-align: center;">Page 5</p>	<p>1 out. So if that happens and anyone is having trouble 2 hearing me, let me know. I think it happens when I 3 move to the side. But keep me posted. 4 All right. So the court reporter, it's 5 important that you answer every question verbally. It 6 -- if you don't, it'll just be a blank in the record. 7 You can't nod your head or say uh-huh. It's just 8 something to get used to. 9 If you don't understand the question I'm 10 asking you, you can feel free to ask for 11 clarification. The downside of that is if you answer 12 a question, we're going to assume that you understood 13 it. Is that okay? 14 THE WITNESS: Yes. 15 MR. REINGOLD: All right. The court 16 reporter also can't record two people at once. And 17 so, we should try not to talk over each other. 18 There may be objections to some of my 19 questions by your counsel. If that happens, you can 20 let him object and then most of the time you'll then 21 answer the question anyway, unless he instructs you 22 not to. Okay? 23 When I'm asking questions to the extent you 24 can, you should try to just answer the question that 25 I'm asking. This is true in court, true of</p> <p style="text-align: center;">Page 6</p>
<p>1 depositions, but sometimes lawyers ask a short 2 question and get a very long answer. And if it goes 3 beyond the extent of the question, not to be rude, I 4 may interrupt you. If you want to say more about 5 something that I didn't cover, you'll have a chance 6 with your lawyer to do that at the end. Okay? 7 If you need a break at any time, you should 8 feel free to let me know. I said I think it's -- 9 where I am, it's going to get hot today. I'm not in 10 an air conditioned room, that's why I'm lightly 11 attired. And if we need breaks, we'll take them. 12 EXAMINATION 13 BY MR. REINGOLD: 14 Q. Is there anything in front of you right now other than 15 a computer? 16 A. A messy desk, but nothing. 17 Q. Okay. Do you have a copy of your report open in front 18 of you or not? 19 A. I can have one if you would like. 20 Q. Yeah. I mean, I will use it occasionally. And it'll 21 be introduced as an exhibit for the deposition. But 22 it's often easier for people if they have it open on 23 their own screens. 24 A. Sure. 25 Q. And we'll see how that goes. Is there anyone with you</p> <p style="text-align: center;">Page 7</p>	<p>1 right now? 2 A. No. 3 Q. Okay. Good. Are you -- I have to ask you this 4 question, are you under the influence of any 5 medications or any other condition that would impair 6 your ability to be deposed today? 7 A. No. 8 Q. All right. And anything that would prevent you from 9 answering truthfully? 10 A. No. 11 Q. Okay. Let me ask you a few questions about how you 12 prepared for the deposition, this won't take long. 13 What did you do to prepare for today? 14 A. I reread my expert witness report. 15 Q. And that was it? 16 A. Yes. 17 Q. Okay. And did you have any meetings or conversations 18 with your attorneys in the last few days? 19 A. Yes. 20 Q. How many did you have? 21 A. One. 22 Q. And about how long did that take? 23 A. I would say about thirty to forty minutes. 24 Q. Okay. Did you review any documents other than your 25 opinion?</p> <p style="text-align: center;">Page 8</p>

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<p>1 A. No.</p> <p>2 Q. All right. Did you speak with anyone else about your</p> <p>3 deposition?</p> <p>4 A. Can you clarify what you mean --</p> <p>5 Q. In the way of getting a consultation. I don't mean,</p> <p>6 you know, speaking to a partner to say I'm having a</p> <p>7 deposition.</p> <p>8 A. Okay. I asked my graduate mentor if she had been</p> <p>9 depositioned before and if she had any advice.</p> <p>10 Q. All right. Did you get some advice from her?</p> <p>11 A. Yes.</p> <p>12 Q. What did she tell you?</p> <p>13 A. She said much of the same of what you told me, don't</p> <p>14 talk over people, only ask the question being</p> <p>15 answered, it's okay to say if you don't know or don't</p> <p>16 remember something, and think before you answer.</p> <p>17 Q. Yeah. All right. Good advice. I -- I believe this</p> <p>18 is your first deposition, is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And you've never served as an expert witness</p> <p>21 for a court before?</p> <p>22 A. Correct.</p> <p>23 Q. All right. That makes life easier for me because I</p> <p>24 don't have to ask about all those things.</p> <p>25 I want to ask you a few questions about</p> <p style="text-align: center;">Page 9</p>	<p>1 your CV. So let me pull that up and let me figure out</p> <p>2 how to share here. Just a minute, I've lost my</p> <p>3 picture of you. Hold on a second.</p> <p>4 A. Can I go back to one thing you asked before.</p> <p>5 Q. Sure.</p> <p>6 A. You asked if there was anyone else here. Currently</p> <p>7 there is not, my wife is out walking the dog.</p> <p>8 Q. Okay.</p> <p>9 A. She'll be back at some point to get ready for her day.</p> <p>10 I want to let you know you may hear movement around,</p> <p>11 but that's what that would be.</p> <p>12 Q. That's fine. I have a few questions, let me share</p> <p>13 screen and just make sure that I'm sharing a correct</p> <p>14 screen. I want number one -- that's here. Did it</p> <p>15 work or not?</p> <p>16 A. I believe so. I can see Adobe.</p> <p>17 Q. Can you see the document or not?</p> <p>18 A. No, not yet.</p> <p>19 Q. Let me --</p> <p>20 A. I think you might need to click on the tab.</p> <p>21 MR. JAMISON: You got like your tools up</p> <p>22 there, Paul.</p> <p>23 MR. REINGOLD: Yeah.</p> <p>24 MR. JAMISON: That looks like your outline.</p> <p>25 MR. REINGOLD: That is my outline. Let me</p> <p style="text-align: center;">Page 10</p>
<p>1 get out of that and try again.</p> <p>2 BY MR. REINGOLD:</p> <p>3 Q. The CV -- there it is. And can you now see it, or?</p> <p>4 A. I can.</p> <p>5 Q. You can?</p> <p>6 A. Yes.</p> <p>7 MR. REINGOLD: Okay. This should be marked</p> <p>8 as Exhibit 1.</p> <p>9 MARKED FOR IDENTIFICATION:</p> <p>10 DEPOSITION EXHIBIT 1</p> <p>11 9:09 a.m.</p> <p>12 BY MR. REINGOLD:</p> <p>13 Q. And I take it this is a copy of your CV, is that</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. I had a few things I wanted to run through</p> <p>17 about it. It shows that you graduated from college in</p> <p>18 May of 2009, but didn't start your Master's degree or</p> <p>19 Ph.D. until probably 2015 or so. And I just wondered</p> <p>20 if anything that you did in those five or six years</p> <p>21 relates to the -- to the work that you're doing now?</p> <p>22 That is, for example, did you do any work</p> <p>23 that involved sexual assault or sexual assault,</p> <p>24 working with survivors, that sort of thing? Or were</p> <p>25 you doing something totally unrelated?</p> <p style="text-align: center;">Page 11</p>	<p>1 A. Yeah. Yeah, it was related between 2009 and I started</p> <p>2 my Master's in 2014. So that five years in between, I</p> <p>3 spent two years as an AmeriCorps member doing sexual</p> <p>4 assault prevention and education work.</p> <p>5 Q. Where was that?</p> <p>6 A. The first year was in southern Oregon, Grants Pass,</p> <p>7 Oregon, working with middle and high schoolers doing</p> <p>8 prevention education. The second year was in</p> <p>9 Portland, Oregon, also working with adolescence doing</p> <p>10 some teen sort of support groups and prevention</p> <p>11 education as well.</p> <p>12 And then from 2011 to 2014, I coordinated</p> <p>13 the crisis response services at a rape crisis center</p> <p>14 in Beaverton, Oregon.</p> <p>15 Q. All right. So you've got a lot of hands-on</p> <p>16 victim-oriented experience?</p> <p>17 A. Yes.</p> <p>18 Q. And was that what led you to graduate school?</p> <p>19 A. Somewhat the opposite, I knew that I wanted to go to</p> <p>20 graduate school to do this research and felt that</p> <p>21 before doing so, I wanted to spend a number of years</p> <p>22 working directly with victims first.</p> <p>23 Q. All right. You chose the program in ecological</p> <p>24 community psych at Michigan State, the evil university</p> <p>25 in Michigan. I -- I'm wondering why it is you chose</p> <p style="text-align: center;">Page 12</p>

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<p>1 that program?</p> <p>2 A. Yeah. Largely in part of the work of Dr. Rebecca</p> <p>3 Campbell, who was my mentor while I was in graduate</p> <p>4 school. And also because there are not many community</p> <p>5 psychology Ph.D. programs around the country and that</p> <p>6 was one of them.</p> <p>7 Q. What is ecological community psychology?</p> <p>8 A. Yeah. So community psychology is a branch of</p> <p>9 psychology that split off from clinical in the 1960s</p> <p>10 or so. Said clinical, we think you're doing great</p> <p>11 work, but you approach problems on a very individual</p> <p>12 level.</p> <p>13 So if there is, you know, for addressing</p> <p>14 homelessness, it's clinical psychologists are going to</p> <p>15 work with individuals who are homeless and things like</p> <p>16 that. We think there needs to be a branch of</p> <p>17 psychology that approaches social problems on a</p> <p>18 community level, takes an outer level approach and</p> <p>19 looks at what community level interventions could be</p> <p>20 created to address social issues.</p> <p>21 Q. And when you're doing that kind of work, is it the</p> <p>22 community that's largely making the decisions? Or,</p> <p>23 you know, is your sort of -- are you in kind of a</p> <p>24 leadership position? Or are you the facilitator in</p> <p>25 the background?</p> <p style="text-align: center;">Page 13</p>	<p>1 A. It can vary a lot within community psychology.</p> <p>2 Personally, the way that I do my research is largely</p> <p>3 in collaboration. But I'm generally the PI, the</p> <p>4 primary investigator, of the research and bringing</p> <p>5 that research expertise.</p> <p>6 Q. All right. And did you enter the program to get a</p> <p>7 Master's or was it a -- were you a Ph.D. candidate</p> <p>8 from the start?</p> <p>9 A. I was a Ph.D. student from the start.</p> <p>10 Q. Okay. You describe your specialization as</p> <p>11 quantitative methods in evaluation science. I didn't</p> <p>12 know if those are two different things or if it's one</p> <p>13 long word.</p> <p>14 A. It's one long word.</p> <p>15 Q. And what does it mean?</p> <p>16 A. It means that I got a specialization in quantitative</p> <p>17 methods and evaluation sciences. It was a</p> <p>18 specialization offered through the psychology doctoral</p> <p>19 program at Michigan State for achieving certain</p> <p>20 milestones in quantitative methods and evaluation.</p> <p>21 Q. Does that include like courses in statistics, that</p> <p>22 sort of thing?</p> <p>23 A. Yes.</p> <p>24 Q. Did you do a dissertation as part of your graduate</p> <p>25 work?</p> <p style="text-align: center;">Page 14</p>
<p>1 A. I did.</p> <p>2 Q. And what was the topic of the dissertation?</p> <p>3 A. It was on posttraumatic stress disorder on sexual</p> <p>4 assault victims and how that relates to social support</p> <p>5 over time.</p> <p>6 Q. And again, the -- I think what you're saying is what</p> <p>7 typifies the work that you do is sort of numbers</p> <p>8 analysis of a problem, is that right?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And then you moved to the job -- you took</p> <p>11 the job at Wichita State when you got out. And there</p> <p>12 were two things on the résumé, one is that you were</p> <p>13 appointed as core faculty in clinical community</p> <p>14 research. And can you just tell us briefly what does</p> <p>15 it mean to be a core faculty.</p> <p>16 A. Yeah. So community psychology faculty at Wichita</p> <p>17 State are -- have sort of dual appointments in the</p> <p>18 community psychology doctoral program and the clinical</p> <p>19 community doctoral program. They are two separate</p> <p>20 Ph.D. programs within the psychology department at</p> <p>21 Wichita State. And we have faculty responsibilities</p> <p>22 in both of them.</p> <p>23 Q. All right. It sounds like this was sort of an ideal</p> <p>24 fit for you. So I assume you're able to continue the</p> <p>25 kind of work that you were doing in the past, is that</p> <p style="text-align: center;">Page 15</p>	<p>1 right?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. And -- and the -- the part that you're</p> <p>4 doing as a -- an assistant professor in community</p> <p>5 psychology, is that strikingly different from the core</p> <p>6 faculty work? Or is it similar?</p> <p>7 A. I'm sorry, can you clarify.</p> <p>8 Q. Yeah. I'm just trying to get a feel for the</p> <p>9 difference between your -- your tasks or the topics</p> <p>10 when you're doing one or the other.</p> <p>11 A. There is no real difference. Are you trying to get a</p> <p>12 sense of the difference between the community and</p> <p>13 clinical role, is that it?</p> <p>14 Q. Yes. That's what I mean. But it may be that the</p> <p>15 clinical role is also very statistically oriented, is</p> <p>16 that the case?</p> <p>17 A. I see. My research, I just have one program of</p> <p>18 research between the two -- between the two programs.</p> <p>19 Being faculty in the clinical program means that I can</p> <p>20 advise clinical students. It means that I teach</p> <p>21 courses that the clinical students need to take.</p> <p>22 They're the same courses that I teach for community,</p> <p>23 it's just students in both programs take them. I</p> <p>24 attend the clinical faculty meetings, things like</p> <p>25 that.</p> <p style="text-align: center;">Page 16</p>

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<p>1 Q. All right. So when you're teaching, you're not 2 necessarily teaching the work that you do, you might 3 be teaching broader courses, right? 4 A. Correct. 5 Q. Okay. Can you say a word about the evaluation and 6 consulting that you've done. Some of that was on page 7 four, let's go down to that. It must be page five. 8 A. Keep going. 9 Q. A little bit further down? 10 A. Yeah. 11 Q. There it is, yeah. It's at the end, sorry. Can you 12 tell us just a little bit about what you are doing in 13 these -- in these consulting or evaluating roles. 14 A. Sure. In the 2021 to 2022 research consultant 15 position, I was brought on to a research project to 16 run a certain statistical model that I had experience 17 with from my dissertation and to do that research and 18 write up the manuscript for it. It was a latent class 19 transition analysis. 20 For the 2015 through 2020, I was staff at 21 the Michigan Coalition to End Domestic and Sexual 22 Violence. And I was working on the two CDC grants 23 listed there as an evaluator, so helping to design the 24 measures that we would use, do the data collection 25 that would inform the project, things of that nature.</p> <p style="text-align: center;">Page 17</p>	<p>1 The 2017 through 2018 role was working at 2 the rape crisis center that I had actually worked at 3 prior to starting graduate school, to do an evaluation 4 of their prevention programming. 5 Q. All right. And is that more hands-on and less number 6 oriented? 7 A. No. It's very number oriented. 8 Q. Okay. All right. You're looking at statistical 9 results basically? 10 A. Yes. 11 Q. All right. Okay. And then I wanted to ask just a few 12 questions about the -- some of your articles, some of 13 which I have read. Your early articles, one and two, 14 were on sexual victimization in prison and reporting 15 abuse and the perception of justice in litigation. I 16 didn't see -- oh no, these two, yeah. 17 A. There you go. 18 Q. Did you wind up doing prison work? How did that come 19 about? 20 A. I was an early graduate student. And so, I was not 21 involved in the formation of the research projects, so 22 much as coming in and my advisor saying hey, if you 23 want to be involved, you can join these problems, you 24 know, join these projects and help with the data. 25 Q. All right. And then the number four one is</p> <p style="text-align: center;">Page 18</p>
<p>1 co-authored with Campbell, and that's the person who 2 you went to MSU to work with, is that right? 3 A. Correct. 4 Q. Was this, too, a project she already had off the 5 ground? 6 A. She was the PI on the project. She started it while I 7 was there, I believe. But it was very much her 8 primary project, and I was a graduate student on it. 9 Q. Okay. And then number six, was that an outgrowth of 10 the work you had already been doing? 11 A. Can you clarify what work I had already been doing. 12 Q. Yes. I mean the work you had been doing with 13 Campbell. 14 A. Yes. It was based on an earlier branch of the data 15 from a similar project that I wrote up for 16 publication. 17 Q. And what was the wrong that needed to be righted 18 regarding approaches for resolving untested rape kits? 19 A. Testing them. 20 Q. Oh, actually testing them? 21 A. Yes. 22 Q. Oh, okay. All right. We know that was a problem. 23 A. Yes. 24 Q. And also congratulations on the prize on your first 25 article as lead author.</p> <p style="text-align: center;">Page 19</p>	<p>1 A. Thank you. 2 Q. And then number seven, is this one of the articles 3 that bears the most on what we're talking about today? 4 A. Yes. 5 Q. And this is based on the Detroit problem, where there 6 were almost three decades of untested rape kits that 7 you were able to get back into, right? 8 A. Yes. Closer to four decades. 9 Q. Okay. All right. You also wrote -- let's see. You 10 also wrote a paper on trying to get the legislature 11 involved in mandatory SAK laws, right? 12 A. Can you clarify which paper you're referring to. 13 Q. Yeah. I thought -- I think I wrote down the wrong 14 number. Let me look. Did you write -- let me ask you 15 this way. It might have been a presentation, I'm not 16 sure. 17 Did you write a paper that was in effect 18 trying to get the legislature involved in passing 19 mandatory SAK laws? 20 A. Without seeing the citation, I can't say for sure. 21 But that's -- yeah, I will say I would need to see the 22 citation to jog my memory. 23 Q. But, I mean, is that something you remember doing? 24 A. Not specifically that paper, but working on the issue, 25 yes.</p> <p style="text-align: center;">Page 20</p>

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<p>1 Q. All right. And tell me what it is -- I mean, it -- it 2 -- how -- what -- how -- what problem is that solving 3 and what is it that you would want the legislature to 4 do? 5 A. So generally, the issue is providing legislative 6 guidance for SAK testing, saying that SAKs should be 7 tested. They need to be tested. They can't just be 8 put in a warehouse and left to rot. And a lot of that 9 has to do with providing funding for SAK testing. 10 Q. All right. So the issue isn't forcing sexual assault 11 survivors to have SAKs be mandatory -- 12 A. Oh God, no. 13 Q. -- you wouldn't go there? 14 A. No. 15 Q. All right. The impression I had was it was in that 16 direction and -- 17 A. Oh no. No. Very much just if a victim gives a -- has 18 a SAK collected, wants that SAK to be tested, that 19 that SAK in fact should be tested. 20 Q. Yeah. You don't want the problem that we had over the 21 past -- 22 A. Exactly. 23 Q. -- several decades. Okay. All right. 24 And just let me ask what would you say that 25 is your most relevant experience that you bring to the</p> <p style="text-align: center;">Page 21</p>	<p>1 case today? 2 A. I would say doing the work on how SAK testing informs 3 what we know about serial perpetration. 4 Q. All right. Do you have any other expertise that you 5 think is relevant to the case? 6 A. I have expertise on the low rates of reporting sexual 7 assault, the reasons why victims don't report sexual 8 assault, and case attrition through the criminal legal 9 system, and how that can inform conclusions about 10 serial perpetration. 11 Q. And is some of that based on the work that you did 12 before your graduate work? 13 A. No. I think that that's a different vein of expertise 14 that I bring that is also available, but they are 15 somewhat separate. 16 Q. Okay. In your report you said that you were charging 17 the defendants two hundred fifty dollars an hour for 18 the work -- for your work. Is that true for today as 19 well? 20 A. Yes. 21 Q. Okay. Have you done any prior work for the State of 22 Michigan or any of the defendants or their attorneys? 23 A. No. 24 Q. And are you working as an expert currently on any 25 other cases?</p> <p style="text-align: center;">Page 22</p>
<p>1 A. No. 2 Q. When did you agree to be an expert for this case? 3 A. In the last year, but I don't recall the specific 4 date. 5 Q. All right. I'll get out of all of these and stop 6 screen sharing. All right. 7 I'm just going to introduce your report so 8 we have it in the record. Can you see that? 9 A. Yes. 10 MR. REINGOLD: All right. And that's -- 11 that'll be introduced as Exhibit 2. 12 MARKED FOR IDENTIFICATION: 13 DEPOSITION EXHIBIT 2 14 9:28 a.m. 15 BY MR. REINGOLD: 16 Q. Is that in fact the first page of your report? 17 A. It looks that way. 18 Q. Okay. In the paragraph ten of your report, you set 19 forth what it was the defendants asked you to do. And 20 would you read through that, and is it still an 21 accurate description? 22 A. Yes. 23 Q. All right. And just for the record, what it is that 24 you were asked to do is address issues of 25 underreporting, attrition in the criminal justice</p> <p style="text-align: center;">Page 23</p>	<p>1 system, how both of those affect serial offending 2 compared to criminal history data, and what SAKs 3 contribute to serial offending, right? 4 A. Yes. 5 Q. Did you review any of the plaintiffs' experts' reports 6 before you wrote your report? 7 A. I did. 8 Q. And which ones did you look at? 9 A. All of them. 10 Q. Okay. Prior to agreeing to serve as the defendants' 11 expert, did you learn what this case is about? 12 A. Yes. 13 Q. And what did you learn about the pending case? 14 A. I learned that it was a case about whether or not the 15 sex offender registry is needed and in what capacity. 16 Specifically the piece that was brought to my 17 attention to speak to was whether rates of sexual 18 recidivism are in fact relatively low and how that 19 should inform what happens with the sex offender 20 registry. 21 Q. Had you done any work with sex offender registries 22 before this? 23 A. No. 24 Q. Do you know any of the -- anything about the 25 individual plaintiffs in the case?</p> <p style="text-align: center;">Page 24</p>

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<p>1 A. I do not. 2 Q. And do you know what relief the plaintiffs are seeking 3 in the case? 4 A. No. 5 Q. Have you ever been told at any time anything about the 6 facts of the case? 7 A. I believe that the Attorney General's Office gave me 8 an overview of it. But -- 9 Q. Okay. Yeah. You don't have to say what that was. 10 A. Yeah. 11 Q. Okay. All right. Let me ask you a little bit about 12 documents you reviewed for your report. Were you 13 provided any materials to consider in writing your 14 report? 15 A. Only the expert witness reports. 16 Q. Okay. And were there any materials that you wanted or 17 asked for? 18 A. No. 19 Q. Okay. And have you reviewed any deposition testimony 20 that's been produced in the case? 21 A. No. 22 Q. All right. Looking at what was marked as Exhibit 2, 23 your report, was anyone else involved in writing it? 24 A. No. 25 Q. And did you get any help writing it?</p> <p style="text-align: center;">Page 25</p>	<p>1 A. No. 2 Q. Did anyone else do any of the research relating to the 3 report? 4 A. No. As far as help writing it, I did run one piece of 5 it by a colleague to just make sure that I wasn't 6 going off on a tangent that didn't make sense. And 7 she said yeah, that makes sense to me. And that was 8 it. 9 Q. Okay. What was the issue, do you recall? 10 A. It -- I don't recall the specific issue. 11 Q. Okay. Are all of the opinions that you intend to 12 offer in the case now contained in that report? 13 A. Yes. 14 Q. And you haven't left anything out? 15 A. Can you clarify. 16 Q. Is there anything that -- you're not going to opine on 17 anything that's not in the report? 18 A. No. 19 Q. Okay. And have you identified to the best of your 20 knowledge all of the documents that you're relying 21 upon in the report, documents and studies? 22 A. Yes. 23 Q. All right. I want to ask you a few questions about 24 the plaintiffs' experts in this case. Are you 25 familiar with the work of scholars in the field of --</p> <p style="text-align: center;">Page 26</p>
<p>1 or at least partly in the field of -- sexual 2 recidivism? 3 A. Some of them. 4 Q. Okay. And did you know or had you read anything by 5 Karl Hanson? 6 A. Yes. 7 Q. And are you familiar then with his scholarly work? 8 A. Slightly. I know I've read his work. I wouldn't be 9 able to tell you about it off the top of my head. 10 Q. Okay. Is it fair to say that his work is widely 11 cited? 12 A. Yes. 13 Q. And is it fair to say he's considered one of the top 14 authorities in his field? 15 A. I don't know that I can speak to that. 16 Q. Okay. Would you say that his area does or does not 17 overlap with yours? 18 MR. JAMISON: I'm going to object to the 19 question as vague. 20 BY MR. REINGOLD: 21 Q. You said you -- you've read some of his work, but not 22 much. What I'm asking is do you think of yourselves 23 as being in the same field or not? 24 A. Not primarily. I would say some of our work has 25 overlapped.</p> <p style="text-align: center;">Page 27</p>	<p>1 Q. Okay. What about Elizabeth Letourneau? 2 A. No. 3 Q. You're not familiar with any of her work? No, okay. 4 And you had never heard of her before this case? 5 A. No. 6 Q. Had you ever heard of Kelly Socia? 7 A. No. 8 Q. Ever heard of James Prescott? 9 A. No. 10 Q. Ever heard of Kristen Zgoba? 11 A. Yes. 12 Q. And were you familiar with her work? 13 A. I had read it, but again, would not be able to tell 14 you about it in depth. I just recognized the name. 15 Q. Is it fair to say that she's considered an authority 16 in her field? 17 A. Again, I don't know that I could confidently speak to 18 that. 19 Q. Okay. Let me ask you a question about sort of where 20 experts come from. The plaintiffs' lead experts in 21 this case, I would say, are Hanson and Letourneau and 22 both testified in their depositions that they got 23 interested in their research fields from their 24 clinical work with victims of sexual assault. 25 I think it's fair to say both of them</p> <p style="text-align: center;">Page 28</p>

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<p>1 wanted to reduce sexual offending and that was and 2 remains their primary motivation for the work that 3 they do. Do you have any reason to doubt them in that 4 regard? 5 A. I don't know enough about them to be able to speak to 6 their motivations one way or the other. 7 Q. But is it similar to your own in the sense that having 8 worked with victims of sexual offending and then 9 wanting to work to improve the situation for them? 10 Does that resonate? 11 MR. JAMISON: I'm going to object for lack 12 of foundation. 13 BY MR. REINGOLD: 14 Q. You can still answer. 15 A. Can you repeat the question. 16 Q. I'm asking if in light of your own experience and what 17 I told you about them, does that resonate? Does it 18 match your experience? 19 A. Yes. 20 Q. Okay. Both, as -- as I said, had victim or 21 survivor-oriented practices early in their careers and 22 both over time became critical of public policies like 23 the registry, that based on their research and the 24 research of others, they thought did little or nothing 25 to reduce sexual offending or to increase public</p> <p style="text-align: center;">Page 29</p>	<p>1 safety. 2 And I -- I think they both said or would 3 say that policies like the registry prevented -- also 4 prevented low risk offenders from reintegrating into 5 society, and all of this was done at great 6 governmental expense. Do you have any views on that? 7 A. That is not an area that I'm an expert in. 8 Q. If they're right, isn't it true that if we took 9 everyone off the registry who was not shown to be 10 currently dangerous, that there could be millions of 11 dollars in resources freed up to address the very 12 issues that they and you want addressed? 13 MR. JAMISON: Objection, lack of 14 foundation. 15 BY MR. REINGOLD: 16 Q. Again, you can answer. 17 A. I'm sorry, that's not something I feel I have the 18 expertise to speak to. 19 Q. Okay. I want to ask you a few questions and make some 20 clarifications about definitions. Throughout this 21 case, on both sides, have somewhat criticized each 22 other for using imprecise terms. And I think some 23 clarity at the front end can be helpful. 24 So I'm going to -- first, let me tell you 25 about a few terms that I'll be using and then I'll ask</p> <p style="text-align: center;">Page 30</p>
<p>1 you about the terms that you use. Is that okay? 2 A. Yes. 3 Q. All right. So I think that for most lawyers and 4 judges, the term recidivate or recidivism is viewed as 5 kind of a technical legal term that refers to a person 6 who's been convicted once and is then convicted again. 7 But when I use that term in our deposition 8 today, I'm giving it broader meaning. When I say 9 recidivism, I mean a person who's convicted of an 10 offense and then at a later point in time, is 11 arrested, charged, or convicted of a subsequent 12 offense. Okay? 13 A. Okay. 14 Q. Again, so when I use recidivist or one of its 15 derivations, it means a convict who is arrested, 16 charged, or convicted for a new crime. Okay? 17 A. Are you specifically referring to that new crime being 18 a sexual crime or any crime? 19 Q. It would be both. 20 A. Okay. 21 Q. It would be both. Yeah. I said it's hard for me to 22 do that because I feel like if someone hasn't been 23 convicted, they haven't earned the right to wear the 24 badge of recidivist. 25 But I know that that's how in your field</p> <p style="text-align: center;">Page 31</p>	<p>1 re-offending is usually categorized. It's being 2 caught by the system, not being -- not becoming a 3 known state certified offender through a conviction. 4 It's just being caught. 5 A. I would say that varies quite a bit in the research. 6 There is some research that uses a convicted and 7 convicted standard. There's other research that uses 8 convicted and offense, sort of like you're referring 9 to now. And there's some research that looks at just 10 multiple arrests or multiple charges or multiple 11 convictions. So there's some variation there for 12 sure. 13 Q. Okay. Good. All right. So in contrast, when I use 14 the term re-offend or re-offender, I'm -- I mean a 15 person who's convicted of a first offense and 16 thereafter may have re-offended, but has not yet been 17 detected by law enforcement, let alone arrested or 18 charged. 19 So for me a re-offender means convicted of 20 a first offense and then being out there in the wind 21 as a -- I mean, it's -- it -- I was going to say as a 22 potential offender. To me it's really just a 23 placeholder name. It's as if I was saying Joe Blow, 24 because it's a label. 25 You have to be able to say something if you</p> <p style="text-align: center;">Page 32</p>

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<p>1 know that there was an offense committed and you want 2 to talk about the person who did it. And so, I'm 3 using re-offender for that if a person had a 4 conviction. 5 All right. So let me ask you -- 6 A. I'm sorry, can I clarify something about that. 7 Q. Yes. Sure. 8 A. So you're using re-offender even if there hasn't been 9 a re-offense? 10 Q. Well, I mean, I think that's the blunt of the problem. 11 Tell me what you mean by re-offense. 12 A. An indication of a new offense. 13 Q. Okay. No, that's exactly what I mean. That's exactly 14 what I mean. The problem, of course, is we don't know 15 what the indication is. It might be that a victim 16 reports it -- 17 A. You're not -- 18 Q. -- something happened. And we need a name for the 19 person who did the act that happened, right? 20 A. Okay. I see. 21 Q. And I'm saying I use re-offender if that person has a 22 criminal record. 23 A. And if there's an indication of a new offense, knowing 24 that what that indication is, is fluid. 25 Q. Exactly.</p> <p style="text-align: center;">Page 33</p>	<p>1 A. Okay. I see. 2 Q. Okay. All right. So in your report you use a bunch 3 of different terms. And I want to make sure -- excuse 4 me, I'm -- you may be losing me when I turn my head. 5 You use the term sexual offender. You use 6 the term perpetrator. Can you give me a quick 7 taxonomy so I know what you're talking about during 8 this dep. 9 A. I use the term sex offender and perpetrator 10 interchangeably. 11 Q. And what is the meaning of those? 12 A. Someone who there's an indication that they have 13 perpetrated a sexual offense. 14 Q. All right. And when we use the term generically, if 15 you say this person reported a crime, the offender 16 blank? 17 A. Uh-huh. 18 Q. Again, you're using it in the sense that I was talking 19 about as a placeholder because you have to call the 20 person something? 21 A. Yes. 22 Q. An offender is the way to do it. It's tough, right, 23 because the word offender sounds like it means we know 24 that he offended rather than he is a potential 25 offender, right?</p> <p style="text-align: center;">Page 34</p>
<p>1 A. I'm sorry, what's the question? 2 Q. The -- the -- the question is that the word offender 3 has two meanings, right, just conventionally? If 4 people are talking about an offender, they're likely 5 talking about somebody who has a conviction in 6 everyday parlance. 7 Here we're using it in a more technical 8 sense of Joe Blow who might have been the one who did 9 this crime. 10 A. My experience in general parlance is that offender is 11 often used in these types of crimes, because there's 12 so much case attrition and such a low likelihood of 13 recidivism, that I think offender is often used as a 14 placeholder, but to denote someone where there was an 15 indication of a sexual offense. 16 Q. So you're saying that might be -- it's not a unique 17 use in this particular field. It's at least more 18 likely to be used in this field? 19 A. Yes, I think so. 20 Q. Okay. So, for example, if you saw someone driving 21 down the road and swerving, you wouldn't think to 22 yourself there goes a drunk driving offender? 23 A. I think I would -- there goes someone who's driving 24 dangerously. 25 Q. Exactly. Yeah.</p> <p style="text-align: center;">Page 35</p>	<p>1 A. Yeah. 2 Q. All right. So let me ask a couple of questions about 3 the -- how far the term extends. Does it cover all 4 sexual offenders? Does the term sex offender or 5 perpetrator cover all offenders? 6 Let me ask it a different way. What does 7 it encompass? 8 A. I think it depends who is using the term. I certainly 9 can't speak for everyone who's using the term. 10 Q. Right. And I know that it's used differently. But 11 I'm asking how do you use it? How -- 12 A. Oh, I use it -- yeah. I use it to cover anyone who 13 has committed or, you know, who there's an indication 14 that they have committed a sexual offense. 15 Q. Okay. So it would go from the most violent rapist, 16 predatory rapist, to somebody where the charge is 17 gross indecency? 18 A. Yes. 19 Q. Okay. Does it go to prostitution? 20 A. Not in my mind. 21 Q. Okay. Would it go to consensual sex where both 22 parties are under age? 23 A. Where both parties are -- I think there's some details 24 there, depending on the age difference between them. 25 Q. Let's assume a small age difference.</p> <p style="text-align: center;">Page 36</p>

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<p>1 A. Can you define small age difference. 2 Q. Yeah, two years. 3 A. Then I would not think that that would apply. 4 Q. Okay. How about teenage sexual activity where one 5 person is not old enough to consent? 6 A. Can you, again, define the age difference. 7 Q. Yeah. Again, we'll make it two -- let's make it a 8 narrow age difference, two years. 9 A. That is not personally how I use the term. 10 Q. Just to be clear, do you also use that same term to 11 refer to people who have been convicted of a sex 12 offense? 13 A. I might use a different term. But I -- to me it's an 14 umbrella term that would cover all of the above. 15 Q. Okay. When you use it, do you intend for it to 16 include people on the registry? 17 A. I imagine that it does, but I'm not specifically 18 trying to make that distinction. 19 Q. Okay. And for purposes of today, based on the studies 20 you have done, when we're talking about recidivism, 21 are you going to be using the getting caught and 22 charged or arrested and charged as the standard for 23 recidivism as opposed to a conviction? 24 A. I am fine generally using it the way that you are 25 using it. I will work to clarify my meaning if I mean</p> <p style="text-align: center;">Page 37</p>	<p>1 something different than that. 2 Q. Okay. And let me ask about the term repeat offender 3 versus serial offender; is there a difference in those 4 two for you? 5 A. Serial offender is generally used more when talking 6 about criminal history data. But it's -- I don't 7 think they have a different meaning, just a slightly 8 different usage in the research literature. 9 Q. And does serial mean two or more? 10 A. Yes. 11 Q. Okay. So a person who is associated with two offenses 12 or more but is never caught would be a repeat or 13 serial -- or serial offender? 14 A. Yes. I think if they're never caught, generally the 15 research literature talks in terms of suspected serial 16 offender, suspected repeat offender, things like that. 17 But yes, that's -- yes. 18 Q. Okay. You understand that all of our clients, 19 everybody on the registry, has been convicted of a 20 sexual offense, right? 21 A. Yes. 22 Q. And for people who re-offend after conviction, there 23 can be observed recidivism. That is, arrest or -- 24 arrest and charged or arrest or charged, but who 25 aren't detected by the criminal justice system?</p> <p style="text-align: center;">Page 38</p>
<p>1 A. I'm sorry, I don't understand the question. Can you 2 clarify. 3 Q. Yes. For somebody who's had a sexual conviction, 4 there can be both observed offending and unobserved 5 offending? 6 A. Yes. 7 Q. Okay. All right. We're going to move on. Does that 8 help with your definitions? Are we in a better place 9 than when we started? 10 A. I'm going to be honest and say I feel a little more 11 confused than when we started. But I'll do my best to 12 circle back as needed. 13 Q. All right. That works for me. In the early part of 14 your report, you spend some time talking about the 15 criminal justice system. And I want to ask you some 16 questions about what I would call systemic problems 17 with the U.S. criminal justice system. 18 First, I think you agree that our justice 19 system intentionally makes it very hard to convict the 20 wrongdoers? 21 A. Yes. 22 Q. Okay. And paragraph thirty-two of your report, let me 23 get down there, you note that the British law we 24 inherited and the U.S. criminal justice system that we 25 adopted are designed to ensure that better ten guilty</p> <p style="text-align: center;">Page 39</p>	<p>1 escape than one innocent suffer, right? 2 A. Yes. 3 Q. And it's true that we have guarantees built both into 4 the constitution and enshrined in Supreme Court 5 decisions specifically intended to carry out that 6 design? Yes? 7 A. Yes. 8 Q. It's true that accused have a right to counsel? 9 A. Yes. 10 Q. And they can't be made to testify against themselves? 11 A. Yes. 12 Q. They have to be told their rights before being 13 interrogated? 14 A. Yes. 15 Q. And they can demand a trial by jury? 16 A. Yes. 17 Q. And typically the jury verdict has to be unanimous? 18 A. You're outpacing my knowledge of the inner workings 19 there, but I trust you. 20 Q. All right. And people can only be convicted by proof 21 beyond a reasonable doubt? 22 A. Yes. 23 Q. And as far -- as a result because of that, for every 24 category of crime, some people, maybe even most 25 people, when in fact -- who in fact committed a</p> <p style="text-align: center;">Page 40</p>

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<p>1 criminal offense may never be convicted and punished?</p> <p>2 A. Can you restate the question.</p> <p>3 Q. As a result of all of those protections, for every</p> <p>4 category and crime, some people, maybe even most</p> <p>5 people, who in fact committed a criminal offense will</p> <p>6 never be convicted or punished?</p> <p>7 A. I would agree that that's certainly true for some</p> <p>8 people. The degree to which it's true, I think,</p> <p>9 varies by type of crime.</p> <p>10 Q. Right. For murderers where there's a body and the</p> <p>11 body has to be buried and we have to be --</p> <p>12 documentation on burying the body, I agree. And --</p> <p>13 and especially in something like that if the body is</p> <p>14 filled with bullet holes, it's going to get referred</p> <p>15 to the criminal justice system anyway, yeah. Right.</p> <p>16 And we all sort of experience this, right.</p> <p>17 If somebody breaks into our house and steals our</p> <p>18 stereo we all know we may not report it because our</p> <p>19 house insurance may go up more than the value of the</p> <p>20 stereo, right?</p> <p>21 A. I would say by crime, there's very different reasons</p> <p>22 why people don't report. But I'm sure there are</p> <p>23 reasons why people don't report various types of</p> <p>24 crime.</p> <p>25 Q. Same with cars, if someone breaks the window of your</p> <p style="text-align: center;">Page 41</p>	<p>1 car and takes your belongings, you may not report it</p> <p>2 because your insurance is going to go up?</p> <p>3 A. That sounds like a reason why someone may not report</p> <p>4 that, yes.</p> <p>5 Q. Okay. And would you agree that vast numbers of</p> <p>6 crimes, therefore, will remain invisible to the system</p> <p>7 for lack of reporting?</p> <p>8 A. At different levels for different crimes, yes.</p> <p>9 Q. Okay. And researchers often call these undetected</p> <p>10 offenses?</p> <p>11 A. Okay.</p> <p>12 Q. Is that right?</p> <p>13 A. I don't know that that's a term that I've heard, but</p> <p>14 it sounds like a very reasonable term.</p> <p>15 Q. I thought I had seen that often in the literature, but</p> <p>16 maybe I'm wrong.</p> <p>17 A. You are very possibly correct.</p> <p>18 Q. All right. If it's unreported and undetected, then no</p> <p>19 criminal justice system record of the offense is going</p> <p>20 to exist, right?</p> <p>21 A. Correct.</p> <p>22 Q. Unless someone -- unless something changes in the case</p> <p>23 to bring it to the system's attention, no one will</p> <p>24 ever be investigated, no one will be arrested,</p> <p>25 charged, prosecuted, or convicted of the offense?</p> <p style="text-align: center;">Page 42</p>
<p>1 A. Correct.</p> <p>2 Q. Okay. And -- and -- and sexual crime, as you</p> <p>3 describe, has a whole other set of issues that</p> <p>4 contribute to attrition, right?</p> <p>5 A. Uh-huh. Yes.</p> <p>6 Q. And you -- you -- you make the case that many victims</p> <p>7 or all sexual assault victims, I suppose, have good</p> <p>8 reasons for not reporting because when they report,</p> <p>9 there's a -- a bunch of bad things that can happen to</p> <p>10 them, right?</p> <p>11 A. Yes.</p> <p>12 Q. And -- and especially historically these included not</p> <p>13 being believed by the police? You have to say yes.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Their account might have been belittled?</p> <p>16 A. Yes.</p> <p>17 Q. They can be made to feel blamed?</p> <p>18 A. Yes.</p> <p>19 Q. If they didn't have bruises or skin under their</p> <p>20 fingernails, they can be told that they consented or</p> <p>21 didn't resist?</p> <p>22 A. Yes.</p> <p>23 Q. There may have been a bias by the police not to</p> <p>24 investigate sex crimes aggressively?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 43</p>	<p>1 Q. Prosecutors might have been reluctant to authorize</p> <p>2 charges?</p> <p>3 A. Yes.</p> <p>4 Q. Prosecutors would take a plea to a lower offense?</p> <p>5 A. Yes.</p> <p>6 Q. And juries might not convict?</p> <p>7 A. Yes.</p> <p>8 Q. So it's a struggle to get there, right?</p> <p>9 A. Yes.</p> <p>10 Q. And a lot of what's happening that would affect</p> <p>11 reporting is happening often shortly after the -- the</p> <p>12 crime?</p> <p>13 A. Yes.</p> <p>14 Q. When -- when I say historically, I mean that all of</p> <p>15 these factors were true before even there was a</p> <p>16 registry, right? In fact, it was probably worse in</p> <p>17 the past?</p> <p>18 A. Yes.</p> <p>19 Q. And there have been efforts to make changes along</p> <p>20 these dimensions, but you say the changes haven't gone</p> <p>21 far enough?</p> <p>22 A. Yes.</p> <p>23 Q. And even though nowadays, unlike when I was first</p> <p>24 practicing law, there are now female prosecutors and</p> <p>25 there are female police detectives and there are</p> <p style="text-align: center;">Page 44</p>

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<p>1 female doctors in the hospital and there are female 2 judges, it's still a steep uphill climb? 3 A. Yes. 4 Q. These are all built-in societal biases that might be 5 especially pronounced in a law enforcement 6 environment, is that fair to say? 7 A. Can you clarify what you mean. 8 Q. Yes. I mean -- I mean being disbelieved by the 9 police, the idea that women are doubted when they're 10 reporting crimes, all of that, these are not unique to 11 the police. They are built-in societal -- societal 12 biases that might be especially pronounced in a 13 military kind of organization like the police? 14 A. Yes. 15 Q. All right. And none of the features that we've been 16 talking about that discourage reporting or that make 17 it hard to get cases processed or convictions won has 18 anything to do with the registry? 19 A. Correct. 20 Q. All right. It isn't the registry that makes people, 21 you know, disbelieve their stories? 22 A. Not that I'm aware of. 23 Q. All right. And the same for all the rest, it's not 24 the registry that makes police belittle people, 25 anything like that?</p> <p style="text-align: center;">Page 45</p>	<p>1 A. No. 2 Q. Okay. But there is one area where the registry 3 actually makes -- or can make this situation worse. 4 MR. REINGOLD: Let me de-share this and put 5 up another exhibit, which is Exhibit 3. 6 MARKED FOR IDENTIFICATION: 7 DEPOSITION EXHIBIT 3 8 10:01 a.m. 9 BY MR. REINGOLD: 10 Q. And can you see that? 11 A. No. 12 Q. How about now? 13 A. No. 14 Q. Okay. Now? 15 A. Yes. 16 Q. This is introduced as plaintiff's Exhibit 3. This is 17 an article by Elizabeth Letourneau and others. And it 18 was a study done in South Carolina where they took 19 advantage of the change from not having a registry to 20 having a registry, a breakpoint that makes for good 21 data, right? 22 A. Uh-huh. 23 Q. It's what social scientists are looking for? Yes? 24 A. Yes. 25 Q. All right. And they studied three five-year groups</p> <p style="text-align: center;">Page 46</p>
<p>1 looking at adult sex crime cases and outcomes that 2 related to reduced charges or changes in the 3 conviction rate. 4 A. Okay. 5 Q. Does that sound accurate to you from what you can see? 6 A. Can you say that one more time. 7 Q. Does that sound like an accurate summary of the 8 abstract? 9 A. Can I take a moment to read the abstract. 10 Q. Sure. 11 A. Okay. 12 Q. So is it fair to say looking at the abstract, which 13 includes the results, that one of the significant 14 differences between not having a registry and having a 15 registry was that the registry appears to have made 16 prosecutors more likely to let perpetrators plead down 17 to non-sex offenses and made juries more likely to 18 acquit sex offenders? 19 MR. JAMISON: I'm going to object for lack 20 of foundation to the extent the question implies that 21 she has an opinion on that other than what she just 22 read in the abstract. 23 BY MR. REINGOLD: 24 Q. You -- 25 A. I'm sorry, I would have to spend a lot more time with</p> <p style="text-align: center;">Page 47</p>	<p>1 the article to feel confident in my ability to speak 2 to their findings. 3 Q. Let's look at the highlighted part. 4 MR. JAMISON: We'll stipulate that the 5 abstract says what the abstract says. 6 THE WITNESS: Yeah. 7 BY MR. REINGOLD: 8 Q. All right. Why don't I have you read just so we can 9 get it in the record of the deposition, the 10 highlighted part. 11 A. Sure. The abstract reads results indicated that 12 defendants were more likely to have charges reduced 13 from sex to non-sex crimes over time, with a nine 14 percent predicted probability of reduced charges in 15 year group one, a fifteen percent predicted 16 probability in year group two, corresponding with 17 initial implementation of SORN, and a nineteen percent 18 predicted probability in year group three, 19 corresponding with internet notifications. 20 Results also indicated that the probability 21 of a guilty disposition changed at each year group 22 with a predicted probability in year group one at 23 fifty-five percent, increasing to sixty-five percent 24 in year group two, and then declining to sixty percent 25 in year group three.</p> <p style="text-align: center;">Page 48</p>

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<p>1 Q. Thank you.</p> <p>2 A. Sure.</p> <p>3 Q. I will -- let me see if I have any other questions on</p> <p>4 that.</p> <p>5 Assuming that the results that you just</p> <p>6 read are correct, is it true that these are the kinds</p> <p>7 of issues that might make sexual assault survivors</p> <p>8 especially angry and bitter because they tend to come</p> <p>9 further back in the process?</p> <p>10 That is, survivors will already have gone</p> <p>11 through full investigation. They've been, you know,</p> <p>12 it's a case that's moving, and -- and a plea may come</p> <p>13 early, middle, or late in the litigation stage, but</p> <p>14 we're already at the litigation stage. And</p> <p>15 convictions come and acquittals come at the very end.</p> <p>16 So that means if this happens and more</p> <p>17 people take a plea, especially to a non-sex offense,</p> <p>18 and more offenders are acquitted, the consequences for</p> <p>19 the victims are even tougher than if it's an attrition</p> <p>20 at the very front end of the case, right?</p> <p>21 A. I think that's a very good question. I don't know of</p> <p>22 any research that has looked into sort of the</p> <p>23 differential impact on victims at different points in</p> <p>24 the process.</p> <p>25 Q. Does it make sense to you that it's --</p> <p style="text-align: center;">Page 49</p>	<p>1 A. You know, I'm not sure, to be honest. I would really</p> <p>2 need to conduct research on that. I could see it</p> <p>3 going both ways. It's not something I feel</p> <p>4 comfortable speculating on victims' frame of mind</p> <p>5 about.</p> <p>6 Q. Okay. I lived with a scientist for quite a while and</p> <p>7 I'm used to those kinds of answers. All right.</p> <p>8 The kinds of attrition issues that we're</p> <p>9 talking about occur -- maybe -- they occur with all</p> <p>10 crimes in the sense that some of the crimes, even if</p> <p>11 reported, won't be investigated or won't be</p> <p>12 investigated thoroughly, right?</p> <p>13 A. I'm not familiar with the literature on rates of</p> <p>14 investigation in other crimes. But I would imagine</p> <p>15 that that's the case at different rates, but that some</p> <p>16 crimes are not investigated thoroughly at all times.</p> <p>17 Q. And other cases as well as sexual crimes, if the</p> <p>18 offender is unknown, some of them will never be</p> <p>19 identified?</p> <p>20 A. Correct.</p> <p>21 Q. And some may be identified but never caught?</p> <p>22 A. Correct.</p> <p>23 Q. And some will be caught but never arrested?</p> <p>24 A. Caught but never arrested?</p> <p>25 Q. Yeah, they'll be detected.</p> <p style="text-align: center;">Page 50</p>
<p>1 A. Detected, so identified but never arrested?</p> <p>2 Q. Yes. The people might say we think you're the guy, go</p> <p>3 talk to him and then say we're not going to arrest</p> <p>4 you.</p> <p>5 A. Yes.</p> <p>6 Q. Some will be arrested but never charged?</p> <p>7 A. Yes.</p> <p>8 Q. And some will be charged but the charges will be</p> <p>9 dropped?</p> <p>10 A. Yes.</p> <p>11 Q. And some will plead to a lesser offense?</p> <p>12 A. Yes.</p> <p>13 Q. Some -- for some, the lesser offense might not reflect</p> <p>14 the type or the seriousness of the original offense?</p> <p>15 A. I would imagine that that's the case, yeah.</p> <p>16 Q. And some will go to trial and be acquitted?</p> <p>17 A. Yes.</p> <p>18 Q. And a lot of these are resource issues, isn't that</p> <p>19 right?</p> <p>20 A. I don't know to what degree I would say a lot. I</p> <p>21 mean, I would imagine some of them are. But I don't</p> <p>22 know specifically to what extent.</p> <p>23 Q. So but it's something like the SAKs, right? We -- law</p> <p>24 enforcement and prosecutors have available to them</p> <p>25 almost a miracle method to track down serious sexual</p> <p style="text-align: center;">Page 51</p>	<p>1 offenders and they didn't use them, right?</p> <p>2 A. And you're asking is it a resource issue?</p> <p>3 Q. Yeah. In part of --</p> <p>4 A. Yes. In part I would agree, absolutely, yes, a</p> <p>5 resource issue.</p> <p>6 Q. And in all of these categories of crime, these things</p> <p>7 happen even if there's a person out there who actually</p> <p>8 did the illegal act, right?</p> <p>9 A. Can you restate that again.</p> <p>10 Q. Yeah. Yes. I'm saying everyone -- in any category of</p> <p>11 crime when something like this happens, it means</p> <p>12 somebody's getting away with it?</p> <p>13 A. Yes.</p> <p>14 Q. There's a -- a crime that's occurred or at least --</p> <p>15 A. Yes.</p> <p>16 Q. -- an -- but the person is undetected?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So illustrate just really quickly, let's talk</p> <p>19 through one simple example from when I served as a</p> <p>20 local prosecutor early in my career. Are you familiar</p> <p>21 with the offense of drunk driving?</p> <p>22 A. Yes.</p> <p>23 Q. And you understand that it prohibits operating a</p> <p>24 vehicle if the driver is impaired?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 52</p>

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<p>1 Q. And we'll assume -- it can be drugs. We'll assume for 2 this hypothetical it's alcohol, right. 3 A. Hold on one second, I'm hearing you and I'm getting 4 warm. Let me just turn on a fan real quick. 5 Q. Okay. 6 A. It's only 9:00 where I am and I do have air. 7 Q. I'll be taking my shirt off soon. 8 I did a quick check on the web yesterday 9 and the National Highway Traffic Safety Administration 10 told me that for 2021, drunk driving killed, you know, 11 some thirteen thousand people in the United States and 12 seriously injured tens of thousands more. That 13 thirty-one percent of traffic fatalities were alcohol 14 related. 15 And that the costs stemming from damage to 16 cars and damage to people exceeded forty-four billion 17 dollars, at least according to the Center for Disease 18 Control and Prevention, I don't know how they got that 19 number. I'm not going to swear by it, but that's what 20 they said. 21 And the CDC also estimated for 2021, cars 22 were driven by drunk drivers about a hundred and 23 forty-seven million times. Would you agree that drunk 24 driving causes the most -- among the most serious 25 kinds of harm that criminal offenses can cause, and I</p> <p style="text-align: center;">Page 53</p>	<p>1 mean death and destruction? 2 A. Would I believe that drunk driving causes death and 3 destruction? 4 Q. Yes. 5 A. Yes. 6 Q. But it's always an invisible crime, right? 7 A. What do you mean by that? 8 Q. Well, you almost never see someone going down the road 9 weaving, right, it's rare? 10 A. I don't know about that. 11 Q. Really? 12 A. Yeah. I mean, maybe people in Kansas are worse 13 drivers than Michigan. But I feel like if a drunk 14 driver is about to hit someone, I'm likely to notice. 15 Q. Well, nowadays you might notice if they're texting, 16 right? It has the same effect? 17 A. Sure. 18 Q. All right. But it's not -- but it's -- what I'm 19 saying it's not an everyday occurrence. We're told 20 that a hundred forty-seven million cars were driven by 21 drunk drivers in the last year, but in your own 22 experience you probably couldn't remember the last 23 time you saw one, right? It -- 24 A. Sure. 25 Q. -- I mean, it's just -- it's not part of your everyday</p> <p style="text-align: center;">Page 54</p>
<p>1 experience, right? 2 A. Yes. 3 Q. And what that means is if a person is over the limit 4 but together enough to be able to stay within the 5 lanes, they're not going to be seen by the police. 6 That's what I mean by it's an invisible crime. 7 A. I see. 8 Q. And that's right, isn't it? 9 A. Yes. 10 Q. Okay. What that means is that people have to be 11 stopped in order to be detected? 12 A. People have to be stopped? 13 Q. Yeah. Pulled over by the police in order to be 14 detected. 15 A. In order to be detected by the -- the criminal legal 16 system, I would say yes. In order to be detected by 17 other civilians, I would say there are ways to detect 18 that without that person being pulled over. 19 Q. Right. There might be people in the car. 20 A. Or you see someone weaving or drinking a beer bottle 21 while they're driving. 22 Q. No. I was saying if they're driving well. 23 A. Oh yes. If they're driving well, then yes, 24 absolutely. 25 Q. So the police need probable cause to stop a car. That</p> <p style="text-align: center;">Page 55</p>	<p>1 means they have to pull them over for something else. 2 You've got to pull them over for speeding or because 3 there's a taillight out, something like that. 4 A. If they're driving well you mean, yes. 5 Q. Yes. Yes. Okay. So this invisible crime is only 6 going to get detected if the police do that and then 7 when they get to the driver, they notice that he's got 8 slurred speech and bloodshot eyes and smells of 9 alcohol and he can't walk the line. And then they 10 give him a breathalyzer, right? 11 A. Uh-huh. 12 Q. So we've got this crime that the CDC is telling us is 13 happening one hundred forty-seven million times a 14 year. And yet the only way we're going to get any of 15 those people counted is if the police decided to stop 16 -- decide to -- either see somebody drunk driving, 17 which we know it doesn't happen often, or pulls them 18 over for something else and gets lucky, right? 19 A. Or they cause harm. 20 Q. Yes, or they cause harm, yeah. I'm not counting cause 21 harm. Yes, the thirteen thousand, that's a lock. 22 They've had the accident and killed somebody, yeah. 23 And there may be others. All right. 24 So what I'm saying is this is a 25 self-evident proposition about the American legal</p> <p style="text-align: center;">Page 56</p>

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<p>1 system. The vast numbers of crime -- and the same is 2 true for drug offenses. You've got people on the 3 streets selling drugs a mile a minute, right, in any 4 city, is that right? 5 A. Yes. 6 Q. And the police don't go after them because the people 7 actually selling the drug will be replaced in fifteen 8 minutes, right, so that's low priority for police? 9 A. Right. 10 Q. The people they want to go after are the distributors 11 because that way you take the product out of the hands 12 of the people who are going to give it to the people 13 who are addicted? 14 A. Yes. 15 Q. That's another good example. So every single drug 16 sale is a crime, right? 17 A. Yes. 18 Q. In fact, it's a double crime because the person 19 selling has -- is committing the crime of sale and the 20 person buying is committing the crime of possession? 21 A. Yes. 22 Q. So the undercounting of drug crimes is actually going 23 to be double the total -- at least street drug crimes, 24 street sales -- it's going to be double the total of 25 undetected offenses?</p> <p style="text-align: center;">Page 57</p>	<p>1 A. Yes. 2 Q. All right. And so, what I'm trying to say is that if 3 as a prosecutor back in the day I went into the office 4 on a Monday and was told that there were twenty-five 5 drunk driving cases that had come in over the weekend 6 and for me to review, do you agree that I would have 7 to be out of my mind if I thought that there were only 8 twenty-five drunk drivers on the road over the 9 weekend? 10 A. Yes. What I -- 11 Q. That's all I need. By definition, criminal history 12 records, arrest, charges, dispositions, do not and 13 cannot count unreported offending? 14 A. Correct. 15 Q. Okay. So that means you can't go to criminal records 16 statistics and think that you're going to learn 17 anything about the actual number of offenses in any 18 category of crime, maybe with the exception of murder? 19 A. Yeah. I think some will be more accurate than others 20 based on the percentage of reporting. But you -- 21 Q. Right. It -- 22 A. You won't ever know all of them, yes. 23 Q. With the examples I've given, they're going to make -- 24 if you talk about drunk driving and drugs, it's going 25 to make -- those are going to be the highest of all,</p> <p style="text-align: center;">Page 58</p>
<p>1 right? 2 A. Well, I think that you will know about the ones that 3 cause harm in those categories. 4 Q. Yes. You may know about the ones that cause harm, 5 that's a -- that's probably right. But most of them 6 don't? 7 A. Most drunk driving incidents, right, I would say are 8 un-wise, but did not cause harm to anyone. 9 Q. Okay. And just in the same way that you don't go to 10 the department of motor vehicles to find out how many 11 babies were born that year, you can't go to criminal 12 justice statistics and find out the actual number of 13 -- of -- of offenses that were committed for any 14 category of crime? 15 A. They will be more or less accurate for certain crimes, 16 but you will always be undercounting. 17 Q. Do you agree that what we've just been talking about 18 is a totally uncontroversial proposition that is basic 19 common sense that any intelligent person understands? 20 A. You know, to be honest, I'm not sure that I do. I 21 think a lot of people do have faith in those 22 statistics that they read. And if -- I think if you 23 walked a lot of people through it, they would see the 24 logic in it. 25 But at a base level, I think a lot of</p> <p style="text-align: center;">Page 59</p>	<p>1 people would hear X number of drunk driving incidents 2 per year, X number of robberies or whatnot, and they 3 would take that more at face value than is accurate. 4 Q. I think you're right. Let me rephrase the question 5 and say is that fair to say about people who work 6 within the system and people who research about the 7 system, the criminal justice system? 8 A. Yes. 9 Q. Okay. Let's move on. When it comes to re-offending 10 rates that are not in the criminal justice system, the 11 sources that are available are very different from 12 what's in the criminal justice system, is that true? 13 A. Can you say that one more time, please. 14 Q. Yes. The sources that are available to try to figure 15 out crime not recorded by the criminal justice system 16 are very different from the kinds of information 17 recorded by the criminal justice system? 18 A. Sources meaning like self-report? 19 Q. Yes. 20 A. Yes. 21 Q. One is hard data that's accumulated over time in the 22 same ways, right? 23 A. One is, I would say both are hard data with a fairly 24 systematic approach. They're different types of data 25 for sure.</p> <p style="text-align: center;">Page 60</p>

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<p>1 Q. Yeah. Let's talk about the hard data first. I mean, 2 isn't the beauty of the criminal justice statistics or 3 any governmental statistics that you're requiring 4 people over an -- an entire area of -- of civil work, 5 criminal work, whatever it is, to record what they're 6 doing. 7 And so, at the end of a month, of a year, 8 or a -- however it's recorded, every single 9 jurisdiction in a state like Michigan is going to be 10 reporting the same categories of data in the same way 11 to central authorities, is that right? 12 A. I would hope so. 13 Q. Yeah. Right. 14 A. Yeah. 15 Q. They may not do it exactly the same way. 16 A. Yeah. 17 Q. But it doesn't really matter because as long as 18 they're doing it same way -- each jurisdiction is 19 doing it the same way every year, cumulatively the 20 data is going to be massively valuable because you 21 have this huge array of recorded data from official 22 reports and it's sent to the state and sent to the 23 federal government and circulated and it's transparent 24 and -- 25 A. Yes.</p> <p style="text-align: center;">Page 61</p>	<p>1 Q. -- it means once you've got it done, you can compare 2 next year's data to last year's data, right? 3 A. Uh-huh. 4 Q. If it's done the same way for decades and often being 5 improved over time for decades, that's what allows 6 social scientists to spot trends in whatever it is 7 that they're studying, right? 8 A. Yeah. There's a phrase in research garbage in, 9 garbage out. 10 Q. Yes. 11 A. So I think the value of that data really depends on 12 what is being collected and how it's being collected. 13 But if that is -- if how it's being collected is -- is 14 good and all of that, you know, it has the potential 15 to be very valuable, yes. 16 Q. And even if it's -- it's not -- even if it's imperfect 17 data, what I'm saying is if, you know, if in Grand 18 Rapids, you know, the -- the person who does the data 19 gets sick for two weeks and doesn't record it, it -- 20 it, you know, these are tiny, tiny changes in the 21 margin. 22 But if everybody is doing it the same way 23 year in and year out, even if some jurisdictions are 24 doing it better than others year in and year out, 25 you've got a set of data that's comprehensive as to</p> <p style="text-align: center;">Page 62</p>
<p>1 what it's doing. For what we're talking about now, it 2 records or should record every arrest, every charge, 3 and every conviction, right? 4 A. Yes. 5 Q. And not only is the data there, but if someone wants 6 to back up the data in some way or verify the data in 7 some way, a lot of the information is public. You can 8 go to the criminal file and check it out, right? 9 A. Yes. 10 Q. You've got backup to the data itself? 11 A. Uh-huh. Yes. 12 Q. All right. And that's why I call it hard data. It's 13 there. It's available. And, I mean, in some respects 14 for researchers, it's viewed as the gold standard 15 because it's unchanging year to year other than due to 16 variables, right? 17 A. My concern with that data is, for example, like 18 official COVID tests, you know, I see as being 19 somewhat the same thing. It was done by sort of often 20 county agencies recording data, recording it the same 21 way, keeping track of it. So it could tell us a lot. 22 But when you know what all it's not 23 counting, your confidence in what it's able to tell 24 you is pretty minimal. If those official COVID tests 25 were saying, you know, look, rates of COVID are very</p> <p style="text-align: center;">Page 63</p>	<p>1 low and I'm going, yeah, but I don't know a person 2 who's gone and gotten one of those. Most people are 3 just testing at home and are not reflected in those 4 numbers. That data might be reliable, but I would 5 have questions as to whether it's valid. 6 Q. But -- but COVID is a great example because COVID is 7 something that was new and everything had to be done 8 for the first time and everybody was doing it 9 differently. That -- that -- I mean that's 10 significantly different from criminal justice data 11 that's been done the same way for generations, right? 12 A. Yeah. It's -- 13 Q. Generation is too strong. It's been done for decades, 14 right? Is that right? 15 A. Can you repeat the question. 16 Q. That's very different from criminal justice data that 17 has been done the same way or much the same way for 18 decades? 19 A. I think there were some COVID data that were being 20 collected quite systematically early on, but it was 21 certainly newer than criminal justice data, 22 absolutely. 23 Q. Yes, and spottier. But you raise a great point, with 24 COVID data one of the things that people wanted to 25 know, that scientists wanted to know, was how many</p> <p style="text-align: center;">Page 64</p>

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<p>1 people have gotten COVID and how many people have died 2 of COVID, right? 3 A. Uh-huh. 4 Q. Yes? 5 A. Yes. 6 Q. And part of that was to track the disease because they 7 kind of knew if they had a feel for the mortality 8 rates, testing would tell us more, testing would tell 9 us where it was starting, as -- as with deaths. 10 But there's one interesting thing about the 11 deaths side of it. And that is because we had really, 12 really good health data, it didn't matter if we -- in 13 the end, if we wanted to know how many people died of 14 COVID, we didn't have to record COVID deaths at all. 15 Do you remember that? You may not. 16 A. Are you referring to just changes in the death rate 17 over time? 18 Q. Absolutely, yes. And in the end -- I remember reading 19 it in the New York Times -- there was a big debate. 20 We need this data and we need this data. And somebody 21 wrote in the New York Times we don't need any data 22 because we have death rates going back thirty years, 23 forty years, fifty years. 24 And we know when -- when we look at this 25 data, the hard data, we're going to be able to see</p> <p style="text-align: center;">Page 65</p>	<p>1 that for whatever the year, you know, whatever period 2 of time you want to pick, 2020 or 2021, compared to 3 all that past data, there were, you know, one million 4 three hundred and fifty thousand deaths that there 5 weren't before? 6 And that's way more accurate than anything 7 else that anybody could have done while it was 8 happening, isn't that right? 9 A. Yeah. I think that was a very good data source. 10 Q. Yeah. And you might have to tinker with it if it 11 turns out that during the year you're looking at 12 usually ten thousand people would die of heart 13 attacks, but in that year only five thousand people 14 died of heart attacks, you don't want to count those 15 as COVID deaths because then you're kind of double 16 counting, right. 17 You've got to take out five thousand of 18 your COVID deaths because they really should have -- 19 they would have died -- or should have died of heart 20 disease. You can massage it to get it really, really 21 accurate when you have complete, accurate, you know, 22 decently accurate, data -- complete consistent data, 23 right? 24 A. Uh-huh. 25 Q. Yes?</p> <p style="text-align: center;">Page 66</p>
<p>1 A. Yes. 2 Q. All right. Let me ask you about detection rates 3 postconviction as -- as -- as -- excuse me -- as -- 4 pardon me -- to pre-arrest. Hold on just a second. 5 Let me find my place here. 6 Are you aware of the literature that shows 7 that ninety-five percent of arrests, charges, and 8 convictions for sex offenses every year are committed 9 by people who have never been previously convicted of 10 a sex offense? 11 A. I'm not. 12 Q. All right. I don't have that study in front of me. 13 But -- but -- but that's a number -- some people might 14 say ninety to ninety-five -- but that's a number 15 that's been reported for decades. It was true before 16 there were registries and it was true after the 17 registries. 18 When we get numbers like that, we can't 19 know how many people convicted additional offenses 20 beyond those that they were convicted, right? Those 21 are the undetectable? 22 A. How many do you mean have perpetrated -- 23 Q. Yes. 24 A. -- additional offenses? 25 Q. Yes.</p> <p style="text-align: center;">Page 67</p>	<p>1 A. Yes, we do not know that. 2 Q. Okay. Isn't it true that there's no reason to think 3 that the percent of offenses reported to police 4 differs between people who have not been previously 5 convicted and people who have been convicted? 6 A. I'm going to need that one more time. 7 Q. Isn't it true that there's no reason to think that the 8 percent of offenses reported to police differs between 9 people who have not been previously convicted and 10 people who have been? 11 A. I'm not sure that there's no reason to think that. I 12 think that some perpetrators are very good at picking 13 vulnerable victims or victims who lack credibility. 14 There might be systematic reasons that those victims 15 don't report to police. 16 Q. Is there any reason to believe that people with past 17 convictions are going to be better or worse at that 18 than people with no convictions? The people with past 19 convictions we know are the people who weren't very 20 good at it, they were the losers? 21 A. Yeah, I'm not familiar with any research on that one 22 way or the other. You are giving me lots of ideas for 23 good questions. 24 Q. Yeah. In fact, one of the other defense exerts, 25 Rachel Lovell -- do you know her work?</p> <p style="text-align: center;">Page 68</p>

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<p>1 A. I do.</p> <p>2 Q. She wrote in her report, quote, there's no compelling</p> <p>3 evidence to suggest the percentage of unreported</p> <p>4 offenses is different between those with no previous</p> <p>5 convictions and those who do.</p> <p>6 Are you disagreeing with her?</p> <p>7 A. I'm not agreeing or disagreeing. I would have to give</p> <p>8 a lot more thought to that kind of question and</p> <p>9 consider before.</p> <p>10 Q. Do you think, if anything, the reporting or detection</p> <p>11 rate is going to be higher for those with a past</p> <p>12 conviction -- when I say reporting or detection, I</p> <p>13 mean by -- reporting to or detection by police will be</p> <p>14 higher because the police will be more likely to act</p> <p>15 on the case if the report involves someone who has</p> <p>16 offended before?</p> <p>17 A. I do think police would be more likely to act on a</p> <p>18 case if it involves someone who's offended before.</p> <p>19 Q. All right. Let's go back to your report,</p> <p>20 paragraph twenty-eight. Can you see that?</p> <p>21 A. I can.</p> <p>22 Q. Okay. In this part of the report, you say for the</p> <p>23 sake of argument, let's suppose that it's -- that</p> <p>24 the -- the detection rate is a hundred percent. That</p> <p>25 is, if someone has a previous -- was arrested for a</p> <p style="text-align: center;">Page 69</p>	<p>1 previous sexual assault and is arrested for a second,</p> <p>2 you'll assume that they get caught on the second,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. And that's because even just a prior arrest for a</p> <p>6 sexual assault will make it at least somewhat more</p> <p>7 likely -- and maybe a lot more likely -- that the case</p> <p>8 will be taken seriously and will move forward?</p> <p>9 A. I would imagine and hope so. And that next sentence,</p> <p>10 this is a standard unlikely to be met. But for the</p> <p>11 sake of the sort of thought experiment I was</p> <p>12 proposing, I wanted to get sort of the upper bound of</p> <p>13 what could be identified.</p> <p>14 Q. Yeah. And -- and -- and it's safe to assume, isn't</p> <p>15 it, that if that's true for people with prior arrests,</p> <p>16 it will be even more true for people with prior</p> <p>17 convictions?</p> <p>18 A. I would imagine so.</p> <p>19 Q. Because the police will say this is not just someone</p> <p>20 who's been suspected, but this is someone who's been</p> <p>21 convicted --</p> <p>22 A. Yeah. Like I said, I'm not aware of any data on that.</p> <p>23 But for the thought experiment, that was upper the</p> <p>24 upper bound.</p> <p>25 Q. Okay. All right. And if it's true -- if it's true</p> <p style="text-align: center;">Page 70</p>
<p>1 that people are -- with a conviction who are</p> <p>2 implicated in some way or connected in some way to a</p> <p>3 crime or suspected of a crime, if they're more likely</p> <p>4 to get into the criminal justice system if they have</p> <p>5 an arrest or conviction, doesn't that mean that when</p> <p>6 they are reconvicted or if they are reconvicted, the</p> <p>7 recidivism numbers that we see for them are going to</p> <p>8 be somewhat higher than the recidivism numbers that we</p> <p>9 see for people who don't have a prior arrest or a</p> <p>10 prior conviction? That's the consequence, isn't it?</p> <p>11 A. How would we see recidivism numbers for someone who</p> <p>12 doesn't have a prior arrest or conviction?</p> <p>13 Q. We wouldn't. But what I'm saying is the numbers that</p> <p>14 we see for the -- for those with the conviction are</p> <p>15 going to be higher than the -- you're right. You're</p> <p>16 right to correct me.</p> <p>17 They are higher than what they would have</p> <p>18 been on that second offense?</p> <p>19 A. I'm sorry, I'm not trying to be obtuse, but I'm</p> <p>20 struggling to understand the question.</p> <p>21 Q. What I'm saying is if people are more likely to get</p> <p>22 caught on a second offense because of a first offense,</p> <p>23 then when we run numbers on their recidivism rate,</p> <p>24 it's slightly out of whack with what you'd expect for</p> <p>25 detection rates with someone who -- who didn't -- I</p> <p style="text-align: center;">Page 71</p>	<p>1 understand why you're confused. I'm using recidivism</p> <p>2 and I should use detection.</p> <p>3 Let's do it that way. If we say you've got</p> <p>4 two different detection rates; one is for people who</p> <p>5 had an undetected offense and then get arrested on</p> <p>6 something, right?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And -- and -- arrested or convicted. And you've got</p> <p>9 people who have known and in the records offenses,</p> <p>10 arrests, charges, or convictions who then get</p> <p>11 convicted.</p> <p>12 What I'm saying is the first group is going</p> <p>13 to have detection rates higher than the second group?</p> <p>14 A. I would imagine so, yeah.</p> <p>15 Q. What --</p> <p>16 A. There's no data on that, to my knowledge, but I would</p> <p>17 hope so.</p> <p>18 Q. Yeah. You'd hope so. And it makes sense?</p> <p>19 A. Yeah.</p> <p>20 Q. So what I'm saying is when you're looking at detection</p> <p>21 rates or -- of which recidivism rate is one, the</p> <p>22 number that we're getting is disproportionately high,</p> <p>23 even though -- even though the numbers are quite low,</p> <p>24 seven percent to twelve percent or whatever in the</p> <p>25 first five years.</p> <p style="text-align: center;">Page 72</p>

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<p>1 It's actually higher -- it's -- it's got an 2 added factor built into it. It's actually a little 3 higher than it would be if they didn't have the arrest 4 or the offense? 5 A. Well, I think the factors are affected by forces in 6 both directions. I think the factors that are 7 affecting it in a direction that we are missing a lot 8 of recidivism are about twenty to one on the factors 9 that are affecting it towards where we might catch a 10 little bit more of that recidivism. 11 Q. But we're not measuring against undetected offending. 12 We're only measuring it against detected offending. 13 And what I'm saying is as the detected 14 offending, it's higher than it otherwise would have 15 been. And so, when we report a recidivism rate, it's 16 actually an inflated recidivism rate. We're -- 17 A. I don't see -- 18 Q. -- not -- we're not -- 19 A. -- I don't -- 20 Q. What? 21 A. I don't see it as being an inflated recidivism rate, 22 no. I see it as being a slightly more accurate 23 recidivism rate than it would be otherwise. 24 Q. Why is it more accurate if it's higher because of 25 their conviction?</p> <p style="text-align: center;">Page 73</p>	<p>1 A. Because within the hypothetical, these are people who 2 have convicted -- or I'm sorry -- who have perpetrated 3 multiple offenses. And so, that is somebody who has, 4 you know, within the thought experiment, perpetrated 5 two sexual offenses. 6 And so, the question that I was engaging 7 with is do we recognize them correctly as having 8 perpetrated two sexual offenses. And the vast 9 majority of the time we do not. But when they were 10 arrested for the first offense, we have a slightly 11 more accurate view of that second offense. 12 Q. Isn't it true that the fact that they've -- that they 13 have two offenses is built into this? I mean, that's 14 what -- right? 15 A. Yes. Absolutely. The thought experiment that I was 16 proposing in this report is somebody who has 17 perpetrated two sexual assaults. What are the chances 18 based on case attrition numbers that they will be 19 recognized as a recidivist through criminal history 20 data alone. 21 Q. I'm not talking about your thought experiment. I'm 22 just talking about criminal justice records. For 23 criminal justice records, it's built in that if they 24 have two offenses, they have two offenses. 25 But what's not built in is that they're</p> <p style="text-align: center;">Page 74</p>
<p>1 more likely to be apprehended because of the first 2 offense. And so, what I'm saying is not -- not in the 3 thought experiment, but within the actual records, 4 people who have a previous offense are more likely to 5 be caught. And therefore, their rate is higher in -- 6 in -- in the somewhat artificial way compared to 7 people who don't? 8 A. I think it's higher in an accurate way. But, I mean, 9 I -- again, I don't know of any data on that. But I 10 would certainly hope that people who have been 11 apprehended once for a sex offense are more likely to 12 -- to be looked into thoroughly for a second reported 13 offense. 14 Q. Okay. 15 A. I apologize if I'm not understanding that fully. 16 Q. That's okay. Give me a minute to see where I want to 17 go next. 18 A. Could we actually take a quick break. 19 Q. Sure. 20 (Off the record 10:44 a.m.) 21 (Back on the record at 10:54 a.m.) 22 MR. REINGOLD: Back on the record. 23 BY MR. REINGOLD: 24 Q. So just to sum up what we were talking about before 25 the break. It's fair to say, isn't it, that the --</p> <p style="text-align: center;">Page 75</p>	<p>1 the criminal justice system and the way it records 2 data is a -- a good system for figuring out catch 3 rates. That is, who with a criminal history has been 4 caught for committing a new crime? 5 A. Yes. 6 Q. Okay. With unreported crime, we've got a very 7 different kettle of fish, right? Unreported offenses 8 are undetected offenses by definition? 9 A. Yes. You're talking specifically about unreported, 10 not reported and not investigated or all of that? 11 Q. Yeah. 12 A. Okay. Yeah. 13 Q. So these are offenses that, again, by definition never 14 make it into an official database that police or the 15 public or researchers can look at? 16 A. Correct. 17 Q. No law enforcement investigation to determine if the 18 alleged offense is true or fabricated -- 19 A. Can I clarify. 20 Q. Sure. 21 A. Sometimes they do make it into a public database that 22 researchers and things can look at through things like 23 the National Crime Victimization Survey and things 24 like that. 25 Q. Yeah. Okay. All right. So there are methods that</p> <p style="text-align: center;">Page 76</p>

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<p>1 researchers use to try to estimate the level of 2 unreported crime, and one of those is self-reporting, 3 right? 4 A. Yes. 5 Q. At paragraph thirty-three -- I think it was 6 thirty-three, yes -- you say there's no perfect 7 alternative to using criminal history records as an 8 indicator of sexual offending and -- correct? 9 A. Correct. 10 Q. But one widely used method is self-reporting by 11 perpetrators, right? 12 A. Yes. 13 Q. All right. And basically that means getting people to 14 admit that they committed a past undetected offense? 15 A. It means asking people if they've perpetrated 16 undetected offenses. 17 Q. Yeah. But you can't actually interview them because 18 if you're asking them to confess to a past offense 19 that has never been detected and if they tell you yes, 20 then they can be charged with a crime? 21 A. No. There are researchers that have gotten 22 confidentiality waivers and the like to carry out that 23 research. 24 Q. And does that mean they have to get it like from 25 prosecutors?</p> <p style="text-align: center;">Page 77</p>	<p>1 A. I don't know the details of that. 2 Q. All right. But in any event, it's true that if you 3 ask that question, if -- if -- if the police ask the 4 question, have you committed a past offense, the 5 person has a right to say I'm not going to talk to 6 you? 7 A. Yes. 8 Q. All right. And in order to do this, you would need, 9 you know, a waiver from prosecutorial authorities? 10 A. I'm not sure if it's prosecutorial authorities. 11 Q. Is that relatively rare? 12 A. I don't know. 13 Q. Okay. Because I don't think I've ever seen one where 14 it was actually asking about past offenses, but you 15 might be right. 16 But in any event, the most common way to do 17 that is not through interviews, but anonymous surveys 18 to known offenders asking them about prior sexual 19 offenses, rights? 20 A. By anonymous surveys, you know who the participants 21 are but not the individual answers. 22 Q. Yes. 23 A. I think that is a common way, yes. 24 Q. All right. So one of the -- in fact, the lead article 25 that you raise -- I think I have to bring it up. This</p> <p style="text-align: center;">Page 78</p>
<p>1 is an article -- this is Exhibit 5. It's not in 2 order, but we'll call it Exhibit 5, which is an 3 article about undetected recidivism among rapists and 4 child molesters, right? 5 A. Yes. 6 MARKED FOR IDENTIFICATION: 7 DEPOSITION EXHIBIT 5 8 10:59 a.m. 9 BY MR. REINGOLD: 10 Q. All right. And this is -- you said at page 11 thirty-five that this is an example of the kind of 12 studies that are, quote, worthwhile, close quote, to 13 look at to help us -- to help inform us about 14 undetected serial sexual offending, right? 15 A. Yes. 16 Q. The very first line of the article says that the 17 article is looking at recidivism among, quote, 18 dangerous sexual offenders, right? 19 A. Yes. 20 Q. So it's not going to be able to inform us about 21 undetected serial offending generally, but only about 22 highest risk people recognized as dangerous sexual 23 offenders? 24 A. I would have to remind myself how they chose their 25 sample, but I believe that that's correct.</p> <p style="text-align: center;">Page 79</p>	<p>1 Q. Okay. And the study actually doesn't address 2 recidivism at all in the sense that I've been talking 3 about it. Because it's not about people being caught 4 again after -- 5 A. Yes. 6 Q. -- convicted of a prior offense, right? 7 A. Yes. 8 Q. Okay. What it's really talking about is undetected 9 past sexual offenses? 10 A. Yeah. Repeat perpetration. 11 Q. Okay. That's a good way to phrase it. 12 In this case, I looked them up, the lead 13 author was a prison clinical psychologist who is the 14 director of a sex offender program at a Connecticut 15 prison. And the co-author was a consultant to the 16 Florida Department of Corrections, if memory serves. 17 And we'll go through this. But the impetus 18 for this study was a 1950 report by a New Jersey 19 commission on a habitual sexual offender, which was 20 cited in a 1966 publication called Federal Probation. 21 I think that's in the footnote. Do you see that, 22 footnote number one? 23 A. I do. 24 Q. All right. And the date of the study is 1982, which 25 means it's looking back thirty years at a random</p> <p style="text-align: center;">Page 80</p>

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<p>1 commission study from New Jersey that was spotted by 2 them apparently in a sixteen-year-old federal 3 publication that apparently focussed on probation. Do 4 I have that right? 5 A. I trust that you do. Again, I'd have to spend some 6 more time with that article to remind myself, but that 7 sounds right. 8 Q. And the authors quote the New Jersey commission at the 9 beginning. And they say, the first line, sex 10 offenders have one of the lowest rates as repeaters, 11 close quote, of all types of crime among serious 12 crimes. Homicide alone has a lower rate of 13 recidivism. 14 Assuming that they're using recidivism and 15 repeaters in the way that I do, meaning, official 16 recorded arrest, that remains true today, right? 17 A. Say that again, please. 18 Q. Assuming that they're talking about actual reported -- 19 A. Oh yes. Official recidivism rates, that that remains 20 true today, yes. 21 Q. Okay. Because the -- the -- right. Right. So that 22 means it's been true for 1950 to 2023, is 23 seventy-three years? 24 A. Yes. 25 Q. Okay. It goes on to say careful studies of large</p> <p style="text-align: center;">Page 81</p>	<p>1 numbers of sex criminals show that most of them get 2 into trouble only once. Of those who do repeat, a 3 majority commit some crime other than sex. 4 Again, using the same recidivism data and 5 getting into trouble means being convicted of a sexual 6 crime, this statement too remains true today? 7 A. I believe they're using arrest, it looks like, as a 8 threshold there, but yes. 9 Q. Yeah, that's right. All right. Today, again, using 10 arrest, charges, or conviction, most people who are 11 convicted of a sexual crime are never arrested, 12 charged, or convicted of a subsequent crime, correct? 13 A. Yes. 14 Q. And the majority of those who are arrested or 15 convicted of a subsequent crime -- of those who are 16 arrested for a subsequent crime, the majority is for a 17 crime other than sex? 18 A. Yes. 19 Q. Okay. And then it concludes by saying only seven 20 percent of those convicted of a serious sexual -- 21 serious -- I assume they mean sexual crime -- are 22 arrested again for a sex crime. Those who are 23 recidivists are characteristically minor offenders 24 such as peepers, exhibitioners, homosexuals. We'll 25 say in 1950 homosexuality was a crime.</p> <p style="text-align: center;">Page 82</p>
<p>1 A. Yeah. 2 Q. Rather than criminals of serious measure -- menace, 3 right? 4 A. Yes. And again, this is like what they're referring 5 to at the beginning of the article, not their actual 6 findings. 7 Q. Right. Okay. All right. In the Groth study -- I 8 don't know if it's Groth or Groth, but I'll -- I'll 9 use Groth. 10 A. That's how I say it in my head. 11 Q. Okay. Those authors took umbrage with the report 12 because their prison clinical experience suggested not 13 that the actual recidivism figures were wrong, but 14 that undetected offending was not being counted, 15 right? 16 A. Yes. 17 Q. Okay. And the lead author, it turns out, had access 18 to sexual offenders in the Connecticut maximum 19 security prison. And the second author had access to 20 sexual offenders at a Florida mental health facility 21 designated exclusively for sexual offenders? 22 A. Yes. 23 Q. Okay. We don't know if the Florida facility was for 24 civil commitment. I tried to find out, but it's -- it 25 doesn't appear to be there anymore. Or was part of a</p> <p style="text-align: center;">Page 83</p>	<p>1 Florida DOC. 2 But if it was a civil commitment, that 3 would mean that the residents were confined because 4 they were viewed as so dangerous that they could be 5 kept in a custodial setting regardless of their 6 criminal history? 7 A. And you said we don't know which it was for? 8 Q. No. 9 A. Okay. 10 Q. That's a yes? 11 A. It's an -- I believe that -- I haven't looked into 12 what it was for. And I'm confirming that we don't 13 know which it was for. 14 Q. Okay. But I'm -- but I'm saying if it was civil 15 commitment, it would mean people who could be civilly 16 committed regardless of their criminal background, 17 right? 18 A. Oh, I don't know. 19 Q. Okay. All right. And -- and in both the Florida and 20 the Connecticut population, the majority of the 21 prisoners had been convicted more than once for a 22 sexual assault? 23 A. Okay. 24 Q. In fact, I believe -- I don't know if we need to find 25 it, but you can review it if you wish, sixty-five</p> <p style="text-align: center;">Page 84</p>

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<p>1 percent of the subjects who had offended against 2 adults and thirty-seven percent of -- and had had 3 multiple convictions, with a mean of two point eight, 4 and thirty-seven percent of the subjects who had 5 offended against children had multiple convictions, 6 with a mean of one point seven. 7 Combined seventy-four of the hundred 8 thirty-seven people surveyed, fifty-four percent had 9 multiple convictions for sexual offenses. 10 A. Okay. 11 Q. If the New Jersey commission report was accurate that 12 only about seven percent of people convicted of sexual 13 crimes are arrested for a new sexual crime, wouldn't 14 that mean that the sample that Groth, et al., chose to 15 use for their study was about eight times higher risk, 16 that is, fifty-four percent versus seven percent 17 recidivists? 18 A. I don't know that I would talk in terms of risk. But 19 I would definitely agree that they were a sub-sample 20 that had been caught a uniquely high number of times. 21 Q. Okay. And the group wasn't just within the seven 22 percent of people arrested for crimes -- subsequent 23 crimes. Because what the Groth study counted was the 24 number of convictions, so this would be an even 25 smaller percentage than the seven percent, right?</p> <p style="text-align: center;">Page 85</p>	<p>1 A. Yes. 2 Q. And we know that the attrition rates after arrest on 3 sexual offenses from the L.A. studies that you cited 4 can be sixty-six to eighty-two percent. So if we use 5 an attrition average in between that, let's say 6 seventy-two percent, and add that to the added 7 attrition you get -- that it takes to -- to get a 8 conviction, which in those studies was fifty-three to 9 seventy-eight percent, so let's use sixty-five 10 percent, that's going to put us not just in the top 11 seven percent of repeat offenders, but something like 12 in the top three percent of all offenders, right? 13 A. Yes. 14 Q. Okay. Fair to say that this is a population that's 15 about as far to the edge of the spectrum as one can 16 get when it comes to their actual recidivism rate? 17 A. I imagine you could get farther, but yes, this is -- 18 this is at one end of the spectrum for sure. 19 Q. Okay. And -- and it's more or less what you'd expect 20 given the description of who these people are and the 21 facilities that they're in, right? 22 A. Yes. 23 Q. Okay. The authors also tell us that the range of 24 officially recorded repeat convictions for those who 25 offended against adults were from one to twenty</p> <p style="text-align: center;">Page 86</p>
<p>1 convictions. And the range for those who offended 2 against children were from one to eight convictions. 3 These again are actual offenses, not what they reveal 4 about past offenses. 5 A. These are actual -- actual -- like criminal history 6 data offenses is what you're saying? 7 Q. Yes. 8 A. Yes. 9 Q. Okay. So the authors, though, they don't tell us what 10 the distribution was for either of those. So we can't 11 see how much of the criminal conduct of just a few 12 people raise the average of everyone else, right? 13 A. I would have to look at the article more in depth to 14 see if they give medians or anything like that. 15 Q. I don't -- I don't know if they did or not. I don't 16 think they told us that. Known recidivism rates, they 17 have a mean, two point seven, three point one, and two 18 point eight. 19 A. Yeah. 20 Q. Okay. But again, it's hard for us to know given -- 21 A. Yeah. I could look more in depth in the text itself 22 to see if they give a standard deviation or a mean, 23 but in table one they do not. 24 Q. Yeah, they don't. They don't. It makes it hard for 25 the reader --</p> <p style="text-align: center;">Page 87</p>	<p>1 A. Yes. 2 Q. -- it could be a few people with very high scores and 3 that would get us to two point seven and three point 4 one or it could be almost no one in the high scores, 5 right -- 6 A. I know that there's an article that I refer to in my 7 report, and I can't remember whether it was this one 8 or a different one, that gave those means after 9 dropping about seven percent of the sample that had an 10 extremely high number -- 11 Q. That was this one and we'll get to that. 12 A. Okay. In this case, they did drop the outliers before 13 calculating those means. 14 Q. We'll get to that. Okay. All right. Now, let's take 15 a look at how the study was conducted. The authors 16 wanted to investigate undetected sexual offending. So 17 they designed a survey to give to one hundred 18 thirty-seven survey subjects, right? 19 A. Yes. 20 Q. Okay. I -- I -- I would say at that point an odd 21 thing happened. At the Florida mental health 22 facility, all ninety of the inmates or residents who 23 committed a sexual assault offense, that is a hundred 24 percent of them, agreed to take the survey, right? 25 A. If that's what it says in the article, then --</p> <p style="text-align: center;">Page 88</p>

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<p>1 Q. That's what it says. 2 A. Okay. 3 Q. And at the Connecticut prison, forty-seven of the 4 sexual assault inmates asked to take the survey, 5 ninety-seven percent said yes. Do you agree with that 6 as well? 7 A. I don't have it in front of me, but if that's what it 8 says in the article -- 9 Q. Let me see if I can find it. 10 A. It looks like -- yeah. Okay. Could you scroll up 11 just a little bit more. 12 Q. Yeah. I should have said ninety-four percent, not 13 ninety-seven percent. 14 A. Okay. 15 Q. All right. Have you ever conducted a study of people 16 in prison or combined -- confined to a mental health 17 facility? 18 A. I was a part of studies early in graduate school that 19 interviewed and surveyed people who were in prison, 20 but I was not doing the interviewing or surveying 21 myself. 22 Q. For a random survey where there's no interviewing, 23 ever seen results or -- or take results at a hundred 24 percent or ninety-four percent? 25 A. Not that I recall.</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. And I represented prisoners for decades, that's a 2 primary thing that I did. And I was on their side and 3 I had a reputation for helping them. If I ever needed 4 information from them about an issue, I sent out 5 questionnaires or asked for them to respond to 6 something -- in those days I could send self-addressed 7 stamped envelopes -- I don't think I ever had a higher 8 response than twenty or thirty percent. But Groth, et 9 al., got response rates of ninety-seven and a hundred. 10 Doesn't that suggest to us that there was 11 an inducement that was provided to get the people to 12 take the survey? 13 MR. JAMISON: Objection, lack of 14 foundation. 15 THE WITNESS: Yeah, I would not make that 16 assumption. I would agree that it's an unusually high 17 participation rate, but I don't know why. 18 BY MR. REINGOLD: 19 Q. And in this case, the authors didn't tell us. Usually 20 in a study, the authors will say here's what we did, 21 here's the number we, you know, here's how we went out 22 -- 23 A. Yeah. 24 Q. -- and got them. This doesn't have any of that. It's 25 just there was a population nearby and we gave them</p> <p style="text-align: center;">Page 90</p>
<p>1 the study. Okay. 2 If professionals are going to provide an 3 inducement to get subjects to take a survey, isn't it 4 customary to make that known in the study itself? 5 A. Yes. 6 Q. You commonly see it, right? We're paying people -- 7 A. Yes. 8 Q. -- online study five dollars or whatever. Yeah. 9 Okay. 10 In fact, do the rates of a hundred percent 11 and ninety-seven percent, are they so high that they 12 might suggest that the survey wasn't optional, but was 13 effectively mandatory? That is, instead of offering 14 inducement, the inmates were simply told no survey, no 15 dinner or no survey, no yard or no survey, no visits? 16 A. I -- 17 MR. JAMISON: Objection, misstates the 18 record and assumes -- or lack of foundation. 19 THE WITNESS: Yeah. I do not think that 20 would have gotten IRB approval. I don't think that 21 was likely at all. 22 BY MR. REINGOLD: 23 Q. It -- 24 A. I shouldn't say that. I should say that is not what I 25 would assume from that participation rate.</p> <p style="text-align: center;">Page 91</p>	<p>1 Q. I would be surprised if there was approval required -- 2 what was our survey date again. It might have been by 3 then -- oh no, we never got a date. 4 A. But no, I would not assume that it was mandatory. 5 Q. But you've never seen survey results close to 6 ninety-seven or a hundred percent, have you? 7 A. No. 8 Q. What's the highest you've ever seen, do you think? 9 A. I don't recall. 10 Q. Okay. Is it fair to say that rates of ninety-four 11 percent and a hundred percent -- I should correct what 12 I said before, ninety-four, not ninety-seven. 13 But fair to say that rates of ninety-four 14 percent and a hundred percent are effectively off the 15 charts for random samples? 16 A. Well, this was not a random sample, correct? 17 Q. Well, they tout it as one. They say we were going to 18 give it to this pool of people. 19 A. I don't think -- 20 Q. It -- 21 A. I haven't looked in this article in depth in a little 22 bit. But I don't recall this being a systematic 23 random sample. With that -- 24 Q. It -- it -- I would agree with that, it's not a 25 systematic random sample --</p> <p style="text-align: center;">Page 92</p>

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<p>1 A. Okay. Yes, ninety-four and a hundred percent is 2 extremely high. 3 Q. Okay. All right. Now, let's look at the five 4 questions to the survey. The first question was how 5 old were you at the time of your first sexual assault 6 or attempted assault, regardless if you were caught 7 for this or not. 8 Anywhere in the study is there a definition 9 for the study takers of what sexual assault or 10 attempted sexual assault means? 11 A. I don't know. 12 Q. There's not. I'm telling you. 13 A. Okay. Do they -- do they affirmatively state that 14 there's not a definition of that? Or they don't say 15 whether there's a definition of that in their 16 publication? 17 Q. There's no definition contained in the study. 18 A. In the publication? 19 Q. In the publication, yes. 20 A. Okay. 21 Q. The only thing we're given that appears to have been 22 given to the inmates is these five questions. 23 A. Yes. 24 Q. Right. Okay. So it's fair to say that prisoners or 25 detainees or residents in a mental facility don't</p> <p style="text-align: center;">Page 93</p>	<p>1 really have a clue when -- what they're being asked 2 about as to what sexual assault or attempted assault 3 means? 4 MR. JAMISON: Objection, lack of 5 foundation. 6 THE WITNESS: Yeah, I -- it cannot be 7 assumed. I will say this is less than stellar 8 publication reporting practices. But it cannot be 9 assumed that just because something is not in this 10 publication it was not in the survey that was given to 11 participants, unless it is affirmatively stated no 12 definition was given to participants. 13 BY MR. REINGOLD: 14 Q. But the reader doesn't get a definition? 15 A. The reader does not get a definition, correct. 16 Q. There's no way to know if the prisoners got a 17 definition? 18 A. Correct. 19 Q. The second question is how many sexual assaults have 20 you been convicted of to date. Same problem, there's 21 no definition, right? 22 A. Uh-huh. Yes. 23 Q. The answers could be all over the map. But since they 24 didn't tell us, we can't know whether the answers were 25 all over the map, right?</p> <p style="text-align: center;">Page 94</p>
<p>1 A. Yes. 2 Q. Okay. So some people might have included, you know, 3 when they touched somebody through their clothes, you 4 know, thirty years ago. And some people may only have 5 included a penetrative rape? 6 A. Yes. If they were convicted for touching someone 7 through their clothes, because that question is 8 specific to convictions, then yes, they can count 9 that. 10 Q. Okay. The second question doesn't really have any 11 meaning, right? How many sexual assaults have you 12 been convicted of to date, because we already know the 13 answer to that question? They -- 14 A. Say that again, please. 15 Q. Yeah. Question number two, how many sexual 16 assaults -- how many sexual assaults have you been 17 convicted of to date, include attempted sexual 18 assaults, homicide, et cetera. 19 But we already know the answer to 20 that question -- or at least the authors can get it -- 21 because they both work within the Department of 22 Corrections in their respective states, right? 23 A. Well, they can't get it if this survey was anonymous. 24 And I'm not sure whether it was. I'd have to go back 25 and look more closely at the method.</p> <p style="text-align: center;">Page 95</p>	<p>1 Q. Well, I can tell you what they did is they took this 2 data and -- and measured it against the actual 3 criminal records. 4 A. Against the criminal records, okay, then yes, I would 5 agree that question is more of a confirmatory 6 statement. 7 Q. It actually could be -- in some ways it could be a 8 useful confirmatory statement because -- or question. 9 Because if the answers don't jive with the criminal 10 history, then you know that there's a certain amount 11 of lying or memory failure or possibly mental illness, 12 right? 13 A. Or misunderstanding like you were saying of the 14 definitions, yeah. 15 Q. And so, if you're going to ask the question, get the 16 result, and then not tell the reader what the result 17 was and instead rely only on the criminal history 18 data, again you're concealing from the reader what 19 might be something that undermines our confidence in 20 the result? 21 MR. JAMISON: Objection, lack of 22 foundation. 23 THE WITNESS: Would you like me to answer. 24 MR. JAMISON: Yeah, you can answer if you 25 can.</p> <p style="text-align: center;">Page 96</p>

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<p>1 BY MR. REINGOLD: 2 Q. Yeah. 3 A. Okay. There are a variety of reasons why researchers 4 fail to include information that we as a reader might 5 wish they did in their publications. Some are space 6 constraints of the journals. Some are just not being 7 able to anticipate the different questions that 8 readers might have. It's -- it's a problem -- 9 Q. And -- 10 A. -- not specific to this article. 11 Q. Yeah. And -- and some it's just really sloppy work, 12 right? 13 A. It could be. I -- I think more often it's space 14 constraints and not anticipating the questions that a 15 reader will have. 16 Q. But there is really sloppy work out there? 17 A. Absolutely. 18 Q. And this is one looking at it, you can't tell whether 19 it's sloppy work or they did it or they didn't do it? 20 A. Yeah. I will say I think it's more common than we 21 might hope that it is. I did a meta analysis looking 22 at something akin to this with sexual victimization 23 studies. And the number of studies where it was like 24 nope, I can't include this, they don't give this 25 information in the publication is very high.</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. All right. Third question was were you ever 2 apprehended. This is the key question because that's 3 the one where they're asking for the undetected 4 crime -- 5 A. Yeah. 6 Q. -- and again, we don't know if there were definitions 7 or not. 8 Four, how many offenses have you been 9 acquitted for which you in fact did. And then five is 10 how many offenses, assaults, or attempted assaults 11 have you been found guilty of which you in fact did 12 not do. This would be false positives as it were, 13 right? 14 A. Yes. 15 Q. Okay. So five is also confusing, and let me tell you 16 why it's confusing to me. The entire survey has been 17 about sexual assault. At every point it talks about 18 sexual assaults or attempts, with one exception and 19 that's homicides. 20 When you read question number two, did you 21 think that it meant include attempted sexual offense, 22 assaults, and sexual homicides? Or did you think it 23 meant include sexual assaults, homicides, non -- 24 non -- non-sexual homicides, et cetera? 25 A. Personally, I would have interpreted that as sexual</p> <p style="text-align: center;">Page 98</p>
<p>1 homicide. 2 Q. Yes, I would too. It doesn't really make sense 3 otherwise, does it? 4 A. Yes. 5 Q. Okay. And somewhat the same in paragraph five, right, 6 they have somehow dropped the sexual offense and -- 7 and -- they've dropped the adjective sexual -- 8 A. Yeah. 9 Q. -- have no idea if it's intentional or if it was a 10 mistake, right? 11 A. Yeah. 12 Q. And they don't tell us. So again, we don't know what 13 it is that the respondents are responding to. Some of 14 them might be responding to non-sexual assaults if 15 they're -- if they read it the way we do and they're 16 smart enough to figure it out. I think most of them 17 would respond only to sexual assaults. Is that 18 fair -- 19 A. I agree that that question is confusing, number five. 20 Q. And depending on how people interpreted this array of 21 questions, the number can vary enormously, right? 22 A. You mean depending on if someone was interpreting this 23 as all sexual offenses or just penetrative -- 24 Q. Yes. 25 A. Yes. If there were not definitions given in the</p> <p style="text-align: center;">Page 99</p>	<p>1 survey that we don't know about, then yes, absolutely. 2 Q. Okay. In summarizing the results, the authors use the 3 term throughout the publication and in the title 4 undetected rapes. Even though I believe the term rape 5 is never mentioned in the survey. Does that seem odd 6 to you? 7 A. Do they use the term undetected rape? Or are they 8 talking about undetected rapists? 9 Q. No. They use the term undetected rapes. 10 A. Can you show me an example just so I can better 11 understand what you're referring to. 12 Q. Yeah. No, it was rapists there. We have to get down 13 to the -- the discussion part, rapists, rapists, 14 rapists. 15 A. I will say that is pretty common in this type of 16 literature, to distinguish between rapists and child 17 molesters. 18 Q. Oh, okay. You may be right. I might have read that 19 into it and it's not there. All right. So that's a 20 distinction that the people use in the literature? 21 A. Yeah. To distinguish between people who sexually 22 offend against adults and children. 23 Q. Okay. The sample size is also only a hundred 24 thirty-seven people, of whom eighty-six admitted to 25 having committed at least one prior undetected sexual</p> <p style="text-align: center;">Page 100</p>

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<p>1 offense, right?</p> <p>2 A. Okay.</p> <p>3 Q. As you mentioned earlier, the authors knocked out nine</p> <p>4 more people who claimed they have committed fifty to</p> <p>5 two hundred and fifty undetected sexual crimes,</p> <p>6 because keeping them in would, in their words, bias</p> <p>7 the overall estimation?</p> <p>8 A. Yes.</p> <p>9 Q. So that brings the total down to seventy-seven? Yes?</p> <p>10 Yeah, eighty-six minus nine.</p> <p>11 A. Okay.</p> <p>12 MR. JAMISON: Paul, could you reference a</p> <p>13 portion of the report where it shows that so she's</p> <p>14 just not relying on your --</p> <p>15 MR. REINGOLD: Yeah.</p> <p>16 THE WITNESS: Yeah. Sorry. If you could</p> <p>17 go back to the sample section or --</p> <p>18 MR. REINGOLD: Yeah.</p> <p>19 THE WITNESS: If you like, I can pull this</p> <p>20 article up separately. I'm wanting to see.</p> <p>21 BY MR. REINGOLD:</p> <p>22 Q. Yeah. I think it was below actually. It --</p> <p>23 A. Scroll back down just a little bit. Okay. I'm on the</p> <p>24 same page.</p> <p>25 Q. Even after knocking out those crazy high numbers,</p> <p style="text-align: center;">Page 101</p>	<p>1 fifty to two hundred fifty, we still had a range with</p> <p>2 highs of twenty-seven to thirty admitted undetected</p> <p>3 offenses?</p> <p>4 A. Yes.</p> <p>5 Q. All right. Again, the authors didn't report the</p> <p>6 distribution. They did report a mean, but they didn't</p> <p>7 report the distribution. So as readers, we can't tell</p> <p>8 how many of the people had just one offense and how</p> <p>9 many had a different distribution, right?</p> <p>10 A. Correct.</p> <p>11 Q. And fair to say that high numbers, even at just</p> <p>12 twenty-seven to thirty, can pull the average up even</p> <p>13 if many respondents are reporting just one?</p> <p>14 A. Can you tell me where you're seeing twenty-seven to</p> <p>15 thirty? I'm seeing the range topping out at twenty.</p> <p>16 Q. I think this is for the known recidivism rates. And</p> <p>17 it's the undetected recidivism --</p> <p>18 A. I see.</p> <p>19 Q. -- that's here. That's why they went down to</p> <p>20 seventy-six.</p> <p>21 A. Okay.</p> <p>22 Q. And the --</p> <p>23 A. I gotcha.</p> <p>24 Q. -- see the range is here?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 102</p>
<p>1 Q. In fact, if there were just ten of the seventy-seven</p> <p>2 respondents -- seventy-six, I guess -- seventy-six</p> <p>3 respondents who report twenty-five undetected offenses</p> <p>4 and everyone else reports one, the mean is going to</p> <p>5 four, right? Ten times two fifty would be two hundred</p> <p>6 fifty, plus sixty-seven who have one. And that's</p> <p>7 three seventeen divided by seventy-six, which is four.</p> <p>8 A. Yeah. That is one way to get to that information.</p> <p>9 Q. Right. And we don't have a clue. So it could be --</p> <p>10 A. No, we don't.</p> <p>11 Q. Okay. The survey also has no limitation as to time,</p> <p>12 right? It's not recorded whether the offenses</p> <p>13 occurred before or after the first conviction?</p> <p>14 A. Correct.</p> <p>15 Q. So it's at least highly likely that some of the</p> <p>16 admitted undetected offenses occurred before the</p> <p>17 subject's first conviction?</p> <p>18 A. Yes.</p> <p>19 Q. But the authors didn't ask and they can't -- or didn't</p> <p>20 tell us whether those -- whether that happened, right?</p> <p>21 A. Correct.</p> <p>22 Q. So the studies shed zero light on whether or not</p> <p>23 undetected offending declines after sexual offense</p> <p>24 conviction?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 103</p>	<p>1 Q. We do know that even with this most dangerous group --</p> <p>2 I'm quoting most dangerous group -- almost half,</p> <p>3 forty-six percent, didn't have a sexual offense</p> <p>4 conviction. And even counting the nine people not</p> <p>5 tallied, about forty percent, eighty-three of a</p> <p>6 hundred thirty-seven, reported no undetected sexual</p> <p>7 offending at all?</p> <p>8 A. Eighty-three of the hundred twenty-seven, are you --</p> <p>9 that's larger than the sample, right.</p> <p>10 Q. Yes. I was putting back in the nine people tallied --</p> <p>11 the nine people taken out because I thought that --</p> <p>12 A. Where are you getting a hundred twenty-seven people?</p> <p>13 Q. The total.</p> <p>14 A. A hundred twenty-seven people total?</p> <p>15 Q. A hundred thirty-seven, wasn't it? That was what we</p> <p>16 started with?</p> <p>17 A. No. I think we started with eighty-something.</p> <p>18 Q. I think it's not worth going back to find out. Let's</p> <p>19 move on.</p> <p>20 A. Okay.</p> <p>21 Q. Let's go to question number five. That was the</p> <p>22 question on how many offenses, assaults, or attempted</p> <p>23 assaults -- no, number four -- no, number five.</p> <p>24 How many offenses, assaults, or attempted</p> <p>25 assaults have you been found guilty of which in fact</p> <p style="text-align: center;">Page 104</p>

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<p>1 you did not do. That's the one that's going to false 2 convictions, right? 3 A. Correct. 4 Q. Okay. And for that one, I'll read it aloud. The 5 conclusion was in our combined survey, eighteen, so 6 twenty-one percent, of the rapists and six, eleven 7 percent of child molesters, claim that they had at 8 some point been convicted of a charge of which they 9 were innocent, right? 10 A. Yes. 11 Q. Let me get my bearings here. 12 A. You're fine. Blame it on the heat. 13 Q. Paragraph thirty-one of your report, you address the 14 issue of people being counted as having committed 15 crimes that they in fact didn't commit, right? 16 A. I was specifically talking about a false positive for 17 serial sexual offending. 18 Q. Right. But almost for sure all of the people in this 19 study -- would be huge numbers, right, of having more 20 than one sexual offense? 21 A. Yes. 22 Q. So the match is pretty good here? 23 A. I'm sorry? 24 Q. The match is pretty good? 25 A. What match?</p> <p style="text-align: center;">Page 105</p>	<p>1 Q. The match that these are mostly serial offenders? 2 A. In the Groth article? 3 Q. Yeah. 4 A. Yes. They are mostly serial offenders. 5 Q. All right. Hold on a second. 6 A. No problem. 7 Q. Starting here, to assure that alleged perpetrators are 8 only brought to court and potentially held accountable 9 for sexual assaults in which there is exceedingly 10 strong evidence against them. You're saying that's 11 how the system is designed, right? 12 A. Yes. 13 Q. And you go on to say that while it's certainly 14 possible the individuals who have not in fact 15 perpetrated the sexual offense they are accused of are 16 wrongly investigated, arrested, charged, and brought 17 to trial, but the criminal system is designed to 18 immunize that -- 19 A. No, minimize. 20 Q. To minimize that possibility and there is no evidence 21 that it is systematically failing in that regard, 22 right? 23 A. Yes. 24 Q. Okay. But there is evidence in the Groth study of 25 false convictions of twenty-one point seven percent</p> <p style="text-align: center;">Page 106</p>
<p>1 for those with adult victims and eleven point one 2 percent for those with child victims, right? 3 A. Well, I think you -- 4 Q. I'm asking is that right? 5 A. No. I would say you pointed out that it's unclear 6 what that's referring to, sexual assaults specifically 7 or all offenses. And it's asking people whether 8 they've been convicted of a crime, you know, whether 9 they've been convicted for something that they did not 10 commit. 11 So you're right that we don't know whether 12 they're referring to a sexual assault or a non-sexual 13 assault. Whether they're saying I was convicted for 14 this when really it was more like that. Yeah, that 15 Groth article is not as clear as we might wish it was. 16 Q. But in the article, the percentages can't be argued. 17 Twenty-one percent said that they had been falsely 18 convicted and eleven percent of the -- of the child 19 molesters, people with child victims, said they -- 20 they had been convicted, right, of false -- 21 A. Of something, right. Like you pointed out, we don't 22 know whether they were referring specifically to 23 sexual assaults or a drug charge or a robbery, 24 whatnot. 25 Q. But you didn't mention in your report that a group of</p> <p style="text-align: center;">Page 107</p>	<p>1 people who are being surveyed about sex offenses and 2 who we both agree that the study suggests that they 3 would only be reporting on sex offenses and should 4 only be reporting on sex offenses came out with this 5 data, right? 6 A. Yeah. I don't see it as being quite as relevant as 7 you seem to. Which is a fair disagreement, I'm just 8 -- yeah, I did not include it in that. 9 Q. All right. You did accept the self-reporting accounts 10 of the convicted offenders as to undetected offending 11 and used the percentage figures, even though the same 12 problem presents there. You don't know for sure 13 whether they were talking about sexual assaults, 14 non-sexual assaults, or what they were including -- 15 A. Yeah. 16 Q. -- the -- 17 A. I think question two is quite a bit clearer in the 18 Groth survey than question five. But -- 19 Q. The question -- 20 A. -- in both questions. 21 Q. But question two also included homicide, et cetera, 22 right? 23 A. Within a parenthetical where the base question 24 referred to sexual assault, and that's not the case in 25 question five.</p> <p style="text-align: center;">Page 108</p>

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<p>1 Q. You're reading it like a Ph.D. The subjects of this 2 study were -- 3 A. Yes. 4 Q. -- were people in a maximum security facility and 5 people in a mental health environment, right? 6 A. Yeah. I wish we could ask them how they were 7 interpreting it. 8 Q. The 1950 New Jersey commission report which leads off 9 this article -- we're out of the article, sorry -- 10 concluded that the official reported sexual recidivism 11 rate remains low, right? That's what it said when we 12 read it before? 13 A. Yes. 14 Q. Okay. And again, that remains true today, especially 15 compared to the recidivism rate of all other 16 categories of crime except for murder? 17 A. Yes. 18 Q. Okay. Let's take a look at the recidivism rates from 19 other categories of crime. This is -- let me go back 20 out and get the exhibit number. This is Exhibit 7. 21 MARKED FOR IDENTIFICATION: 22 DEPOSITION EXHIBIT 7 23 11:41 a.m. 24 BY MR. REINGOLD: 25 Q. Have you seen this report before? This is the Alper</p> <p style="text-align: center;">Page 109</p>	<p>1 Duros report. 2 A. I don't believe so. 3 Q. This is the most cited recidivism study that's ever 4 been produced. It's a nine-year followup after a 2014 5 study. So the data was from the original data study 6 from 2005 to 2014. And this went from 2014 to close 7 to 2019. 8 A. Okay. 9 Q. And what it looked at was recidivism rates across 10 categories of offenders. And I'll have you look at 11 table number two. And you can say -- see the axis 12 across the top is the recidivistic offense, and the 13 axis going down on the left is all prisoners with a 14 history of one of the crimes cited. 15 So if we look at rape, sexual assault, we 16 see any offense, they recidivated at almost 17 sixty-seven percent; totally violent, twenty-eight; 18 homicide, point two; rape, sexual assault, seven point 19 seven. And this is now out from 2005, I believe, and 20 then robbery, sixty; assault and so on. 21 There seven point seven is, let's see -- 22 let me get out another sheet. So what they found was 23 that except for people previously convicted of murder, 24 people who committed sex offenses are less likely than 25 any other category of felonies to be rearrested for a</p> <p style="text-align: center;">Page 110</p>
<p>1 new crime of the same type for which they previously 2 been committed. 3 A. Okay. 4 Q. They had lower recidivism rate for any post-release 5 violent crime of all the discreet groups, including 6 murderers. And they had lower recidivism rates for 7 any subsequent crime than every other group of 8 offenders except murderers. 9 A. Okay. 10 Q. When you look at their figures and compare the figures 11 for the other offenders, their recidivism rate was 12 seven point seven, robbers were sixteen point eight; 13 non-sexual assaults, forty-four point two; drug 14 offenders, sixty point four; property offenders, 15 sixty-three point five; and public order recidivism 16 rates, seventy point one. Murder is the only lower 17 rate there at two point seven. 18 So it's not just that they are different a 19 little bit, they're different a lot. Isn't it true 20 that if they're at seven percent and non-sexual 21 assault crime is at forty-four percent, that means 22 their recidivism rate is six times less than people 23 who are committing non-sexual assaults? 24 A. When we define recidivism as being caught, yes, 25 absolutely.</p> <p style="text-align: center;">Page 111</p>	<p>1 Q. Right. Okay. And it means compared to drug 2 offenders, who had sixty point four, it's almost nine 3 times difference, right? 4 A. Yes. 5 Q. Okay. You agree that these results could not be 6 further from the popular conception of sex offenders 7 based on the -- the official reported data? 8 MR. JAMISON: Objection, lack of 9 foundation. 10 THE WITNESS: Yeah, I'm sorry, I'm not sure 11 what you're asking. 12 BY MR. REINGOLD: 13 Q. Okay. I'm asking if you think the public would be 14 surprised to learn this data? 15 MR. JAMISON: Same objection. 16 BY MR. REINGOLD: 17 Q. I'm asking -- 18 A. I'm sorry? 19 Q. I'm asking if you think the public would be surprised 20 to learn that sex offenders, using official data, 21 reciprocate at six times less than drug offenders and 22 six times less than non-violent offenders -- not 23 non-violent -- non-sexual assault offenders and nine 24 times less than drug offenders? 25 A. Yeah, I don't know. I can't speak to that.</p> <p style="text-align: center;">Page 112</p>

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<p>1 Q. Okay. I use this one -- this study as an example, 2 because one of the hard parts about the way studies 3 get implemented, as you said from the meta study that 4 you did, is that everybody uses a different -- a 5 different definition and everybody has got a different 6 group of respondents and everybody is looking at a 7 different period of time or often looking at no period 8 of time, which is a big deal. 9 And so, when you're looking at and citing 10 studies as opposed to hard data like what comes from 11 the government, you run into exactly the problem that 12 you -- that we -- or that's revealed, as it were, in 13 your report, is that the best you can do is give a 14 range based on the study, right? 15 A. I don't necessarily see that as a problem. 16 Q. Well, it's -- it -- if you're saying the best we can 17 do is say somewhere between, you know, fifteen out of 18 a hundred and forty out of a hundred people do X, 19 maybe to you as a statistician that's not a problem. 20 A. I think that those studies often are able to account 21 for some of the weaknesses in the official data in a 22 way that I find helpful rather than problematic. 23 Q. Well, here we're talking about two different things 24 where there's official data on one topic and -- and 25 unofficial data on a topic for which there is no</p> <p style="text-align: center;">Page 113</p>	<p>1 official data, so they can't be compared. We're 2 looking at undetected offending. 3 A. Uh-huh. 4 Q. Right. So I say again, the best you can do is survey 5 a bunch of people, as these jokers did, and -- and 6 then pretend that it's a valid study and hope that 7 it'll get cited and it did, right? 8 A. I see it quite a bit differently. 9 Q. All right. You can -- you may. All right. 10 The second study that you looked at on this 11 issue was again a thirty-two-year-old, a 1991 study. 12 And that too was a population of institutionalized sex 13 psychopaths, right? 14 A. Which study are you referring to? 15 Q. The Weinrott study. 16 A. Yes. 17 Q. Fair to say that the population of institutionalized 18 sex psychopaths is going to look an awful lot like the 19 Groth study? 20 A. I would imagine so. 21 Q. And fair to say that it can't be in any way 22 generalized to the population of everyone who's 23 committed a sex offense from the very lowest offense 24 to the very highest offense? 25 A. I don't know that I would say it can't be generalized</p> <p style="text-align: center;">Page 114</p>
<p>1 in any way. Insights can still be valid. But they're 2 different populations. 3 Q. So the -- the rates of re-offending can't be 4 generalized? 5 A. Yes. Correct. I would agree. 6 Q. All right. What about the -- the other false positive 7 problem? When we're looking at undetected or 8 unreported offending, we count, my understanding is, 9 that researchers count every offense that is reported, 10 right? 11 A. What do you mean? 12 Q. If you're doing it through perpetrator studies, you 13 take as gospel what they tell you. I mean, you count 14 it as a re-offense if they tell you they re-offended? 15 A. Yes. 16 Q. Even though you have no idea if they're telling the 17 truth? 18 A. Yes. 19 Q. And no idea if they're doing it to please you as the 20 inmates might do? 21 A. Yeah. I mean, I think that there's generally 22 mechanisms put in place. And I want to say it was the 23 Weinrott study they were filling it out in a 24 computer-assisted way. I could be wrong, I would have 25 to look at the study. But yes, I mean, we are</p> <p style="text-align: center;">Page 115</p>	<p>1 interpreting the data that they provide. 2 Q. Okay. And it's the same if the report is coming from 3 surveys of victims, right? A lot of these reports are 4 looking at this time true random samples of women and 5 -- and not -- not sexual assault populations and then 6 finding the sexual assault population in the random 7 survey and then asking the questions about reporting, 8 right? 9 A. Yes. 10 Q. And -- and -- and -- again, it's the same set of 11 problems. You've got to make sure your definitions 12 are really good. You've got to make sure people 13 understand what you're asking. You've got to make 14 sure your time matters, right? 15 A. Yeah. 16 Q. And the rates you get if you don't do that can be 17 enormously different. For example, if you ask -- if 18 you do lifetime reporting and you ask only women over 19 seventy, let's say, have you ever been convicted of a 20 -- not convicted -- the victim of a sexual assault, 21 well defined, they've had, you know, depending how 22 young the youngest sexual assault is, they have, you 23 know, like sixty years in which there could have been 24 an assault. 25 So you would expect the numbers to be way,</p> <p style="text-align: center;">Page 116</p>

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<p>1 way higher than if you're surveying a mixed sample 2 where people might range from eighteen to seventy or a 3 young sample where everybody is going to be under 4 twenty-five, right? 5 A. There would be some factors pulling it in both 6 directions. 7 Q. All right. What I'm saying is unless your audience 8 knows what it is that you're surveying, what the 9 question is, and what the time is, it's really hard to 10 talk about two surveys in the same breath. Because 11 when -- when you're giving a range, you're probably 12 giving a range of two different populations over two 13 different times, possibly with two different 14 definitions of assault? 15 A. That's certainly possible. 16 Q. Okay. Actually just occurred to me, but one of the 17 interesting things is if you're only surveying women 18 over seventy, let's say, the -- the assaults that 19 you're recording, the great majority of them, are 20 likely to be thirty to fifty years old, right. 21 Even if they tell you something, what 22 they're really telling you what the rates of crime 23 were not today, but fifty years ago. But if you 24 report it as our population said, you know, here's 25 what -- here's how many people are convicted of --</p> <p style="text-align: center;">Page 117</p>	<p>1 have been victim of a -- a sexual assault, the reader 2 might very well think it's current, right, and it's 3 not current? 4 A. Yeah. I would hope that that would be clarified in 5 the publication addressing sexual assaults in a 6 population over seventy. 7 Q. Yeah. Okay. Let's spend the last bit of time that we 8 have looking at SAKs. It's fair to say that the, I 9 mean, in some respects, for all the horror of -- of 10 three-plus decades of missing SAK kits, this was a 11 bonanza for researchers, right? 12 A. It was a -- yeah. There was definitely an opportunity 13 for research. 14 Q. And I take it -- I don't know the full history. But 15 were there any SAKs that were being done during these 16 years? Or was it, you know, somebody dropped the ball 17 completely? 18 A. I would not say that they were no SAKs being tested 19 within those years, but the vast majority were not 20 tested. 21 Q. Okay. And -- and as I understand it, to get off the 22 ground with a SAK, there has to be -- the crime has to 23 be known about, is that right? It is -- it has to 24 become detected? 25 A. It has to be reported.</p> <p style="text-align: center;">Page 118</p>
<p>1 Q. Does it have to be reported? 2 A. For a SAK to be tested, yes, it has to be reported. 3 Q. Okay. Okay. So what that -- that means is the people 4 who are getting SAKs are people who have been the 5 victim of a sexual assault and seek medical help? 6 A. Uh-huh. 7 Q. Right? That's the primary group. Again, there might 8 be an outlier here or there, but that's the primary 9 group, right? 10 A. Yes. 11 Q. Okay. And there are a lot of barriers just to getting 12 the SAK done itself, true? 13 A. Yes. 14 Q. Okay. And that's because for the kinds of biological 15 evidence that you'd be collecting, there's a window in 16 which it can be collected. And after the window 17 passes, the odds of getting useful DNA decline, right? 18 A. Yes. 19 Q. And they decline enough that it's not worth getting it 20 because CODIS is so likely to reject it? 21 A. Yes. 22 Q. So anybody that comes in for medical help, whatever 23 the cutoff is, seventy-two hours, ninety-six hours, 24 different people have different standards, they're -- 25 they're not going to be able to -- to have a SAK done,</p> <p style="text-align: center;">Page 119</p>	<p>1 for the most part? 2 A. Yes. 3 Q. And -- and there's other barriers as well. If the -- 4 well, there's other barriers that come just in the 5 form of the same kind of barriers that cause 6 attrition, right? You might have people who come in 7 who might want a SAK or at least be interested in a 8 SAK to whom it's never offered because the crime may 9 not be viewed as the sort of crime that's serious 10 enough. 11 If it's a non -- it might be a contact 12 offense, but not a penetrative offense. And the 13 person might be adamant that they want a SAK, but 14 there's a decent chance that they still won't get it 15 because whoever is administering it or the police, if 16 they're present, might kind of blow it off? 17 A. That should not be accurate as of 2005 to 2007. The 18 VAWA Reauthorization Act of 2005 mandated that victims 19 have access to a SAK regardless, excuse me, regardless 20 of what law enforcement wants. 21 Q. So I -- I was aware of that. But what I'm suggesting 22 is that just because the law says it, doesn't mean 23 it's so. Let me say this to you, we -- we spent some 24 time with a woman who had done, much as you had, four 25 years of sexual assault hotline and advocacy and who</p> <p style="text-align: center;">Page 120</p>

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<p>1 knew a lot. She had done this in the Cleveland area. 2 And the thing that she did the most was go 3 to the hospital with victims. And -- and she said the 4 level of discouragement from either doctors, staff, 5 especially police, in all but violent crimes or 6 stranger perpetrator crimes was noticeable. And that 7 virtually all of the kits were on the most violent and 8 the most intrusive crimes. 9 A. I will say that that was not my experience at all as 10 an advocate from 2011 to 2014. And there's also a 11 2014 study that was published that looked at victims' 12 access to SAKs and found that -- overwhelming -- that 13 VAWA Reauthorization Act law had been implemented 14 fully and was being carried out and that in general 15 victims did not report major barriers for accessing 16 SAKs. 17 Q. So -- all right. So it must vary from place to place 18 and this makes my point about when you only have soft 19 information and who knows what the audience was or the 20 sample was for the -- the study. 21 All right. But then there are ongoing 22 things. The person -- the -- has to be willing to do 23 it? 24 A. Yes. 25 Q. And most people don't. And it's understandable</p> <p style="text-align: center;">Page 121</p>	<p>1 because if you're recently traumatized, show up at the 2 ER or a clinic or wherever, you might be waiting hours 3 and hours to get in. And once you get in, what you 4 really want is medical attention, and by the time 5 you've had medical attention, you've been, you know, 6 who knows how long you've been there. 7 And then somebody says to you do you want 8 to do a -- a forensic exam and -- and you say how long 9 is that going to take and they say a very long time. 10 And people are discouraged, right? 11 A. In my experience -- I'll say first the research part 12 is that the majority of sexual assault victims do not 13 seek medical care or medical forensic care. That's 14 pretty well established through research. My 15 experience is that of those who do, the vast majority 16 do have the sexual assault kit collected. 17 Q. All right. So you're saying if one in three people 18 make it to medical care, what percentage will get -- 19 what percentage of the one in three will get -- will 20 get a SAK? 21 A. There's a study I recall from either 1999 or 2001 that 22 found about eighty percent. I can't recall off the 23 top of my head more recent studies. But I feel 24 confident that it's most people if they're going to a 25 hospital for medical forensic care, most of them will</p> <p style="text-align: center;">Page 122</p>
<p>1 choose to have that SAK collected. 2 Q. Okay. And it -- of course a lot of people who go 3 won't be eligible for it, right? It won't be a 4 question of whether they ask for it or not. It'll be 5 can they do it, right? Have they taken a shower or if 6 it's more than five days. If they've taken a shower 7 -- 8 A. They will still be -- I'm sorry. 9 Q. I understand they will still be eligible for it with 10 the shower, but the data may not be there, right? 11 A. Yeah. The -- the likelihood of getting useable DNA 12 might be lower. But they will still be eligible if 13 they've taken a shower. It's really only if they've 14 passed a five-day window. And most victims who seek 15 medical forensic care do so before that five-day 16 window has closed. 17 Q. And what is -- what's the success rate on completed 18 SAKs in terms of getting DNA? 19 A. That is, I think, a more complicated question than I 20 can answer. There's a lot of steps that go through, 21 you know, what SAKs lead to a CODIS-eligible DNA 22 profile and things like that. 23 Q. So you don't have a sense of out of the SAKs taken, 24 the number of -- get -- that are useable in CODIS? 25 A. The article that you referred to that you said this is</p> <p style="text-align: center;">Page 123</p>	<p>1 probably your most relevant article to this, that 2 actually does have relevant data in it. If you would 3 like to pull that up, we can look at it together. 4 Q. I won't now because I don't think it's a big enough 5 point. 6 A. Okay. 7 Q. But I was just curious to know. Because I -- I don't 8 have a very good feel, even from the studies, of how 9 many people are getting medical care and so forth. 10 A. Yeah. The data is in that article. I just don't want 11 to guess about it off the top of my head. 12 Q. Yeah, I understand. That's fine. 13 A. Do you mind if we take a three-minute break. 14 Q. Sure, not a problem. 15 (Off the record 12:05 p.m.) 16 (Back on the record at 12:08 p.m.) 17 BY MR. REINGOLD: 18 Q. So it's fair to say that the great majority of SAKs 19 are collected at hospitals. And from the Campbell 20 article you cite in your report -- or I -- I think 21 it's in the report -- that about twenty-one to 22 forty-three percent of sexual assault victims seek 23 post-assault medical care and, therefore, have access 24 to a SAK collection, right? 25 A. Yes.</p> <p style="text-align: center;">Page 124</p>

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<p>1 Q. And then there's going to be falloff from there, 2 depending on the quality of the biological sample. 3 And then there's going to be the hits, right? 4 A. Yes. If -- 5 Q. If it's tested. Okay. Let's stay in the emergency 6 room or the medical facility for a minute. My 7 understanding is that the -- the -- by and large, 8 the people who make it to the emergency room are folks 9 who are most likely to be the people who are victims 10 of the most violent or most penetrative assaults, is 11 that true? 12 A. It may have been true at one time. That is not my 13 sense since I've been doing this work for about the 14 last twelve years. 15 Q. I ask because, again, the person that we talked to who 16 had done the work in Cleveland about the period of 17 time that you were doing it in Oregon said when she 18 went to the emergency room in no emphatic terms, she 19 said the population that went to the emergency room 20 was not at all representative of the population that 21 she was dealing with daily on the hotline. 22 A. I would say that's not -- that was not my experience 23 in Oregon. 24 Q. But was the difference that people with much lesser or 25 much older offenses were going to the ER? Or was the</p> <p style="text-align: center;">Page 125</p>	<p>1 difference -- 2 A. Older offenses, no. I'm specifically thinking about, 3 you know, acquaintance sexual assault, sexual assault 4 without a high level of violence or things like that. 5 I -- I felt like those were well represented in the 6 survivors that I was with at a hospital while they 7 were having a SAK collected or that my advocates were 8 with. 9 Q. All right. 10 A. And I will say I'm doing work now coding hospital 11 records from a hospital in Maryland. And there are, 12 yeah, I would say similarly, you know, non-stranger 13 sexual assaults are the majority of the SAKs that I'm 14 coding over the last twelve years. 15 Q. In the SAKs that you looked at from 1980 to -- was it 16 1990 or what was the -- 17 A. Are you talking about the backlog? 18 Q. Yeah, the Michigan. 19 A. Yeah, it was back to 1980. 20 Q. 1980, at that time is it fair to believe that the 21 great majority of the victims were victims of the most 22 serious crimes? 23 A. I don't know. 24 Q. Are you able to tell from the criminal record if that 25 was the case?</p> <p style="text-align: center;">Page 126</p>
<p>1 A. No. We did not have access to a lot of that data 2 about the assault itself. 3 Q. Okay. But is it fair to say if somebody has been 4 seriously injured or had a penetrative crime, they're 5 more likely to need medical attention? 6 A. Yeah, I would say so. 7 Q. Okay. 8 A. I don't know that that corresponds to having a SAK 9 collected. But if they've been injured, I would 10 certainly hope they would get medical attention. 11 Q. But the point is, is if they don't make it to the 12 hospital, they're never going to have a SAK collected, 13 right? 14 A. Yeah. If they don't go -- I mean, they could go to a 15 community collection type of center like they have in 16 Detroit. But yeah, the people with injuries tend to 17 go to the hospital. 18 Q. Okay. And the people who have had penetrative sexual 19 assaults are also more likely to go to the hospital 20 for STDs or pregnancy prevention, that sort of thing? 21 A. I don't know of any data on that. It seems logical, 22 but I can't speak to it like from an expert research 23 perspective. 24 Q. Okay. But it makes sense that if there was no sexual 25 penetration, there's -- you don't have to worry about</p> <p style="text-align: center;">Page 127</p>	<p>1 pregnancy? 2 A. If there was no penetration, yeah, you would not have 3 to worry about pregnancy. 4 Q. Okay. And it's also true that at least over time 5 there were lots of hospitals -- at least some 6 hospitals -- that didn't do SAKs? You could go to one 7 hospital and say I want a SAK and they would say we 8 have to send you somewhere else because we don't do 9 it. 10 A. Correct. 11 Q. Okay. All right. With the data that you had from 12 Detroit, first, let's talk about the hits. So from 13 your report and what I've learned about SAKs, there's 14 a bunch of stuff that's going to happen once the data 15 is -- can you hear me -- 16 A. I can. 17 Q. There's a couple of options. What CODIS has online in 18 its database are lists of unknown offenders and lists 19 of known offenders whose DNA has been associated with 20 a past crime, right? 21 A. Correct. 22 Q. We -- the -- the unknown offenders we know nothing 23 about, by definition. The known offenders we -- we 24 have access to their criminal records? 25 A. It's not exactly true that we know nothing about them.</p> <p style="text-align: center;">Page 128</p>

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<p>1 CODIS doesn't know their identity, but the police 2 report itself, I mean, might have a good investigative 3 lead in it. 4 Q. Okay. 5 A. That information is not in CODIS. 6 Q. All right. But I meant for purposes of a hit -- 7 A. Yes. 8 Q. -- CODIS doesn't know about it. All right. 9 So what you're doing is you're getting a 10 DNA sample taken via a SAK kit and you're sending it 11 to CODIS, hoping for a hit. And ideally hoping for a 12 hit with a known offender? 13 A. Yes. 14 Q. In the sense that if that happens, you now have, you 15 know, not an airtight, but a powerful lead to someone 16 known and known to -- and known because he's 17 affiliated or associated with a previous crime? 18 A. Yes. 19 Q. And the -- the -- unknown hits aren't bad because at 20 least now you know that the person -- the unknown 21 person whose DNA you have the hit with is now 22 affiliated with two crimes, right? 23 A. Yeah. And if it was a known offender from a SAK, then 24 you're not necessarily trying to resolve the identity 25 of an offender and --</p> <p style="text-align: center;">Page 129</p>	<p>1 Q. Exactly. 2 A. -- say a forensic hit to another sexual assault kit 3 can still document a pattern of suspected serial 4 offending. 5 Q. Yeah. So what you had when you got the kits was the 6 opportunity to run a whole bunch of SAKs at almost the 7 same time or some -- whatever. Which also lead to the 8 occasional SAK to SAK hit, right? 9 A. Yes. 10 Q. They may not have been quite in the database yet, but 11 somehow it got -- it was -- it -- the machinery of 12 CODIS told you we've seen this before and you realized 13 it was a SAK to SAK hit? 14 A. Yes. 15 Q. And those too might be known or unknown, right? 16 A. Yes. 17 Q. Okay. All right. And then so -- so what you wound up 18 with was seven thousand, two hundred and eighty-seven 19 SAKs. Of those, only about five -- not about -- of 20 those, five thousand, forty-eight had biological 21 material good enough for DNA testing. Of those, only 22 fifty-eight percent tested eligible for CODIS. 23 Leaving you a -- a -- a -- sort of a -- a 24 base group that you would now get hits against, right? 25 A. Yeah. Would you mind pulling up either the figure in</p> <p style="text-align: center;">Page 130</p>
<p>1 the expert witness report or the connecting the dots 2 article. 3 Q. Yeah. Let's go to the report here. One of the 4 problems with virtual depositions, it takes a little 5 longer. 6 A. I have plenty of empathy from virtual teaching. So I 7 understand. 8 Q. All right. So here it was seventy-two eighty-seven to 9 fifty forty-eight, fifty-eight percent of that brought 10 us down to twenty-nine thirty-eight. 11 A. Could you share that on the screen. 12 Q. I'm sorry. 13 A. That's okay. Again, virtual teaching, I understand. 14 MR. JAMISON: That's your mailbox up there, 15 Paul. 16 BY MR. REINGOLD: 17 Q. All right. My mailbox? 18 A. Yeah, your email. The fact that you only have eighty 19 unread messages makes you some kind of superstar. 20 Q. I'm not sure why it's doing that because my email is 21 not open on screen two, and I didn't think it was open 22 on screen one. But give me a minute. 23 A. No problem. I can pull it up if that's easier. 24 Q. Okay. Let's try to share first. Okay. Now I got it. 25 A. Okay.</p> <p style="text-align: center;">Page 131</p>	<p>1 Q. All right. So it was seventy-two eighty-seven to 2 fifty forty-eight to twenty-nine thirty-eight. And 3 that goes into the CODIS database and you get sixteen 4 seventy-five CODIS hits? 5 A. Yeah. 6 Q. And analysis of those hits produced a record of 7 fourteen twenty-four unique offenders. Tell me what 8 that means, when you go from sixteen seventy-five to 9 fourteen twenty-four. Does that just mean there's 10 repeats? 11 A. Yes. 12 Q. Okay. 13 A. It means we're going from the SAK level to the 14 perpetrator level. 15 Q. Okay. All right. I want to go to the chart and have 16 you walk us through the -- the second part of it, your 17 unique and identifiable. Tell us how these get 18 determined. 19 A. Sure. So we already got to the fourteen twenty-four, 20 right, the unique perpetrators? We're good starting 21 there? 22 Q. Yeah. Yeah. We're good starting there because the 23 others are repeats and so they're not -- 24 A. Yeah. 25 Q. -- counted twice otherwise.</p> <p style="text-align: center;">Page 132</p>

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<p>1 A. Sometimes people have questions about how many hits 2 are going to come out of X number of SAKs. So that's 3 not really what we're worried about. We're worried 4 more about the people than the SAKs. So starting at 5 the fourteen twenty-four. 6 Q. Yes. 7 A. So that's the unique perpetrators. Unique and 8 identifiable means that we were able to access their 9 criminal history records. They were identifiable. 10 And through Michigan State Police, we were able to see 11 their full -- well, not their full -- it was just 12 Michigan and adult criminal history records. To which 13 -- 14 Q. Okay. So unique and identifiable doesn't mean 15 offender hits? 16 A. It -- I think -- 17 Q. Or is it both? Was it offender hits and then some 18 with extra work you were able to -- 19 A. No. I think they were all offender hits. I think 20 those were all identifiable within CODIS. 21 Q. Okay. All right. So the twelve seventy is CODIS? 22 A. Yeah. Yeah. 23 Q. And then take us over to unique serial. 24 A. So you'll see the unique serial, it's a direct 25 offshoot of the unique perpetrators. So before we go</p> <p style="text-align: center;">Page 133</p>	<p>1 into identifiable and start incorporating criminal 2 history records, we're just looking at unique 3 perpetrators. 4 And then through CODIS, how many unique 5 serial, what indication of suspected serial offending 6 did we get just from CODIS. And that's that five oh 7 eight. So of the unique perpetrators, of the fourteen 8 twenty-four unique perpetrators, five hundred and 9 eight of them were suspected serial offenders, were 10 associated with multiple assaults just from CODIS. 11 Q. Okay. So that means two or more in CODIS? 12 A. Yes. 13 Q. All right. And unique and identifiable serial on the 14 other side? 15 A. Yeah. So then what we go to is from the unique and 16 identifiable, we look at -- so how many sexual 17 assaults just within CODIS from that unique and 18 identifiable sample, but then what we were able to do 19 with the unique and identifiable sample was to add in 20 the Michigan adult criminal history records. And see 21 okay, when you look at both criminal history records 22 and CODIS, what percentage of suspected serial 23 offending do we see within that. And that's that five 24 oh four, that five oh four out of the twelve seventy. 25 Q. So five oh four is the -- sort of the reconstructed</p> <p style="text-align: center;">Page 134</p>
<p>1 identifications? 2 A. Yes. It's the -- when we incorporate both criminal 3 history records and CODIS hits, what percentage of the 4 unique and identifiable perpetrators were suspected 5 serial offenders. 6 Q. And out of this population, do we know what the -- 7 if -- I don't believe it appears in the study. But do 8 we know what the sexual assault crime rate was during 9 the period being studied? 10 A. What do you mean the sexual assault crime rate? 11 Q. Michigan keeps really good data on every single crime. 12 Annually they report, you know, from a year ago or two 13 years ago the number of crimes reported to the 14 government for every single crime. And so, that tells 15 us how many people were caught and, therefore, how 16 many crimes were committed. 17 What I'm trying to figure out is of these 18 unidentified people who are only there because there 19 was an identified crime, what's the pool that we're 20 looking at as total perpetrators? I feel like I've 21 got a numerator but not a denominator? 22 A. I'm sorry, I'm still not understanding the question. 23 Q. Everybody in the system is in the system because they 24 were affiliated with a crime, right? 25 A. Everybody in this data?</p> <p style="text-align: center;">Page 135</p>	<p>1 Q. Yeah. 2 A. Possibly through SAKs or multiple SAKs, not 3 necessarily through criminal history records. 4 Q. Okay. I'm understanding what you're saying. There'll 5 be some people who have a hit but no criminal record, 6 right? 7 A. Yes. And possibly because they were not detected by 8 the criminal system and possibly because they weren't 9 an identifiable perpetrator in CODIS. And so, we -- 10 we don't know. 11 Q. Yes. Okay. I'm asking a slightly different question, 12 which is do we know how many sexual offenses were 13 committed each year during this period of time? 14 A. I do not know. 15 Q. Okay. Because in a sense that would be a denominator, 16 right? Each of these people is affiliated with a 17 crime. And if we looked at all SAKs collected, let's 18 say, in 1991 and we know the total number of reported 19 crimes for 1991, we have a sense of are we looking at, 20 you know, fifty percent of the potential criminal 21 population, some of them who will be convicted 22 already. Or are we looking at an eighty of the 23 potential criminal population. 24 A. Yeah. That's not information that I know. 25 Q. Okay. And no one thought to look at that during the</p> <p style="text-align: center;">Page 136</p>

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<p>1 period of the study. You just weren't looking at 2 that? 3 A. Other people might have been that I don't recall. At 4 this point it's been about eight years since we were 5 in this data. So not that I recall. 6 Q. Okay. And by the same token, no one looked at whether 7 the criminal records were for -- no one took from the 8 data whether old crimes were before or after a first 9 conviction? 10 A. I don't believe so. 11 Q. Okay. So this study, too, can't tell us anything 12 about whether or not recidivism rates or re-offending 13 rates drop after someone is convicted? 14 A. No. 15 Q. But this was data that could have shown that, right? 16 It still could? 17 A. I believe so. 18 Q. Is the data still available? Do you know? 19 A. Yeah, I believe it is. 20 Q. All right. Just -- I might toss it over to our 21 experts one of these days. 22 A. Yeah. You're giving me ideas for research studies 23 here. I feel like I should have you as a co-author. 24 Q. All right. And then you determine that thirty-five 25 percent of the unique perpetrators were associated</p> <p style="text-align: center;">Page 137</p>	<p>1 with sexual offending, right? 2 A. Serial -- 3 Q. Serial? 4 A. Serial sexual, yeah. 5 Q. Yeah. Okay. Did you look at -- at any time did you 6 look at the severity of the offense that generated the 7 SAK? 8 A. I don't believe so. 9 Q. All right. So it's fair to say then that you don't 10 have -- you don't know whether eighty percent, sixty 11 percent, forty percent, or twenty percent of the SAKs 12 done were -- you don't know what kind of crime was 13 committed that you could line up with the SAKs 14 themselves? 15 A. No. I mean, like you referred to earlier, you know, 16 we know that it's more likely to get DNA from 17 penetrative offenses, particularly, you know, DNA of 18 sufficient quality to be entered into CODIS. But per 19 SAK, I do not know what the offense was. 20 Q. And given the time period, this was all, you know, ten 21 to thirty years ago or more, is it fair to say that 22 the built-in biases that would deter people from 23 getting SAKs were stronger or were probably stronger 24 than than they are today? 25 A. Yeah, I would imagine so.</p> <p style="text-align: center;">Page 138</p>
<p>1 Q. All I'm trying to say is when we got in the end a 2 thousand -- whatever the number was -- a little over a 3 thousand hits, is that -- let me go back to the chart. 4 A. Yeah. So sixteen seventy-five SAKs yielded a CODIS 5 hit -- 6 Q. A CODIS hit. 7 A. -- perpetrators. 8 Q. Yeah. And we've got five hundred and four 9 identifiable serial perpetrators. 10 It -- it's fair to say that of the five 11 hundred and four, it's probably a disproportionately 12 dangerous higher criminalologic factors population among 13 the identified offenders? 14 A. Why? 15 Q. Because the crimes that were committed were the more 16 serious crimes -- 17 A. I guess it depends on what you mean by more serious 18 and more dangerous. I think that a lot of them will 19 have been penetrative offenses because that's what's 20 likely to yield DNA profiles. But I wouldn't make any 21 assumptions beyond that about dangerousness or 22 criminogenic behavior. 23 Q. But in the study itself, you actually feature the 24 criminogenic behavior, right? All of your individual 25 examples are people who committed six or eight or</p> <p style="text-align: center;">Page 139</p>	<p>1 whatever it was crimes, right? 2 And they were all the worst kind of crimes. 3 They were stranger danger, you know, stranger jumping 4 out of an -- a concealment, forcing someone into a -- 5 into a private area and having forced sex with them, 6 right? 7 A. Which -- which case studies are you referring to? I 8 think there were a few case studies that we included 9 at different levels, one that had two or three 10 assaults. We often did not have victim/offender 11 relationship. So I think a lot of our case studies 12 didn't specify that. 13 Q. And -- and, I mean, the other way to check on this 14 would be looking at the criminal records that you 15 found, right? If it turns out that you've got ninety 16 percent people who have been affiliated with a first 17 crime of first degree rape or stranger rape, that's 18 very different than if you've got a criminal 19 population that's, you know, mostly -- in Michigan we 20 call it CSC 3 or CSC 2? 21 A. Uh-huh. 22 Q. And we don't know that. 23 A. Yeah. I think a lot of CSC 2's and particularly 3's, 24 right, those are non-penetrative offenses? 25 Q. Yes.</p> <p style="text-align: center;">Page 140</p>

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<p>1 A. Yeah. So they're less likely to have DNA and less 2 likely to be reflected in SAKs because of that. But 3 beyond that, we don't have the specifics. 4 Q. You understand why I'm asking about the -- the 5 reported offenses generally, because if we don't have 6 that information we don't really know what the pool is 7 and what the range of offenses is. 8 All we know is that we've got five hundred 9 four serial offenses and -- and we don't have a clue 10 about what else was going on at the same time that 11 you're measuring the broad population of everybody who 12 committed a sex offense over the same period of time, 13 right? 14 A. I'm sorry, I'm not sure that I'm following. 15 Q. Maybe I'm not being clear or maybe I'm not 16 understanding it. It seems to me in the end, you've 17 got five hundred people and there are a bunch of 18 different ways to find out whether these are among the 19 most dangerous people or not. And assuming that they 20 all are, what the rest of the population out there 21 looks like. But it may be we can't get there, so 22 that's okay. All right. 23 The bottom line is what separates you from 24 the plaintiffs' experts in many ways is that your view 25 is that this makes a difference somehow, and that --</p> <p style="text-align: center;">Page 141</p>	<p>1 that -- that you can find and identify serial sexual 2 offenders. 3 But if -- when we get this number -- how do 4 you know what percentage of all offenders -- this is 5 what I'm trying to get at. How do you know what 6 percentage of all offenders you're looking at? 7 A. What do you mean what percentage of all offenders? 8 Q. Well, you're looking at a -- what I mean by -- by -- 9 what percentage of all offenders is you found serial 10 offenders. 11 A. Uh-huh. 12 Q. How do you -- is there a way to figure out out of how 13 many actual offenders there were? 14 A. Well, there's a way to look at out of the unique 15 perpetrators that were identified. There's about 16 thirty-five percent that were suspected serial 17 offenders just based on CODIS data. 18 And when we incorporated criminal history 19 data and looked specifically at that unique and 20 identifiable subset, it was about forty percent were 21 associated with two or more sexual assaults via CODIS 22 or criminal history records. 23 Q. There have been studies done of CODIS hits from 24 similar data like you had, where people wait until the 25 -- the scientists wait until after the cases are</p> <p style="text-align: center;">Page 142</p>
<p>1 prosecuted, right, investigated and prosecuted? 2 A. I'm not familiar with those studies, but I would be 3 interested in reading them. 4 Q. Okay. You don't know this. Okay. All right. I read 5 one study where that's what they did. And it was 6 surprising because the data -- I mean the -- the -- 7 many of the crimes were so old that the -- the people 8 don't want to go forward with prosecution. They don't 9 want to go back into it. 10 Do you have any idea of the hits that you 11 got, how many of the cases have resulted in 12 convictions? 13 A. I don't know. 14 Q. No one has ever checked that, to your knowledge? 15 A. My knowledge, no. 16 Q. All right. And so, what you want to do is say because 17 you found thirty-nine percent in this population based 18 on SAKs taken from people who -- taken from a percent 19 of people who went to the hospital, probably because 20 they were more severe victims or victims of 21 penetrative crimes, you nevertheless want to 22 generalize directly to the entire population of people 23 who are convicted -- who have committed sex offenses 24 in the past? 25 A. No. I don't think that's what I'm doing at all. I'm</p> <p style="text-align: center;">Page 143</p>	<p>1 saying -- all I can do as a researcher is say this is 2 what the data is for this circumstance and situation. 3 Q. All right. So you're not generalizing it to the 4 general population? 5 A. I -- I'm just presenting data from this population and 6 this study. 7 Q. Okay. Give me a minute again. 8 A. Sure. 9 Q. Let me just -- well, I don't understand your 10 conclusion then. So let's go to that. I thought what 11 you said at the bottom of the page at the conclusion 12 was measures of serial sexual offenders that include 13 data less vulnerable to case attrition suggest that 14 approximately forty percent of sexual offenders are 15 serial sexual offenders. The measures of -- so tell 16 me what you mean by that. 17 A. Sure. I mean that data that is less vulnerable to 18 case attrition, such as this CODIS hit data, finds a 19 rate of serial sexual offending of forty percent. 20 Q. All right. The measures of serial sexual offending 21 that include data less vulnerable to case attrition, 22 that would include survey data, wouldn't it? There's 23 no attrition with survey data. 24 A. Yeah. What I'm referring to here is data that is not 25 reliant on sort of that case attrition through</p> <p style="text-align: center;">Page 144</p>

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<p>1 investigation, arrest, charge, conviction. So that --</p> <p>2 I mean, I think what you might be speaking to is that,</p> <p>3 you know, even this I would say is quite an undercount</p> <p>4 of serial sexual perpetration. Because it's not</p> <p>5 including all of those people you talked about who</p> <p>6 didn't go get a SAK collected, whose SAK we, you know,</p> <p>7 there wasn't a DNA-eligible profile in -- or a</p> <p>8 CODIS-eligible DNA profile. But it's still, I think,</p> <p>9 a more -- I think it's still a -- an estimate of</p> <p>10 serial sexual offending that provides information.</p> <p>11 Q. And -- and does it apply equally to, in your view, to</p> <p>12 people convicted of sexual offenses?</p> <p>13 A. What do you mean does it apply equally?</p> <p>14 Q. Does it apply to people who have been convicted of</p> <p>15 sexual offenses in the past?</p> <p>16 A. You mean do I think the estimate would be the same?</p> <p>17 Q. Yes.</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. So you have no idea whether conviction of a</p> <p>20 crime is going to reduce sexual offending or not?</p> <p>21 A. Whether --</p> <p>22 Q. Sexual re-offending?</p> <p>23 A. No, I don't know.</p> <p>24 Q. Okay.</p> <p>25 MR. REINGOLD: Give me a minute or two.</p> <p style="text-align: center;">Page 145</p>	<p>1 Eric, are you going to have some questions?</p> <p>2 MR. JAMISON: Yeah. I think I just have</p> <p>3 one -- one line of questioning. It'll take about five</p> <p>4 minutes.</p> <p>5 MR. REINGOLD: Let me sign off for a</p> <p>6 minute. There was one other thing that I wanted to</p> <p>7 cover. If anyone wants to use the bathroom, do it</p> <p>8 now.</p> <p>9 (Off the record 12:44 p.m.)</p> <p>10 (Back on the record at 12:45 p.m.)</p> <p>11 BY MR. REINGOLD:</p> <p>12 Q. I want to ask you a couple questions about reporting</p> <p>13 of crime -- of sexual crime. A lot of the studies</p> <p>14 that are done informally, the random studies, tended</p> <p>15 to be, as I read them, all over the map on how much</p> <p>16 crime is reported.</p> <p>17 The Bureau of Justice Statistics did a</p> <p>18 report on reporting of crime from 1992 to 2000, and I</p> <p>19 want you to take a look at this. Do you know what the</p> <p>20 Bureau of Justice Statistics is?</p> <p>21 A. Yes.</p> <p>22 Q. And is it fair to say that that's among the best, if</p> <p>23 not the best, in the sense of being comprehensive,</p> <p>24 straightforward, non-aligned, that sort of thing,</p> <p>25 outfits in the country for doing survey data type</p> <p style="text-align: center;">Page 146</p>
<p>1 questioning?</p> <p>2 A. I think there's some very important limitations in the</p> <p>3 National Crime Victimization Survey data that they</p> <p>4 use. I think they're still valuable but with some</p> <p>5 important caveats.</p> <p>6 Q. But compared to other people doing the same thing or</p> <p>7 doing it in informal studies or less organized</p> <p>8 studies, would you give this high marks?</p> <p>9 A. I think -- again, there's some great benefits to the</p> <p>10 studies. But the NCVS data has some important</p> <p>11 limitations that other studies have tried to account</p> <p>12 for.</p> <p>13 Q. Okay. All right. This one says robbery was -- I</p> <p>14 should have said this is Exhibit 4 for purposes of the</p> <p>15 deposition.</p> <p>16 MARKED FOR IDENTIFICATION:</p> <p>17 DEPOSITION EXHIBIT 4</p> <p>18 12:47 p.m.</p> <p>19 BY MR. REINGOLD:</p> <p>20 Q. Robbery was reported to the police at percentages</p> <p>21 somewhat higher than rape, sexual assault, which was</p> <p>22 reported at forty-eight percent. Other apparent</p> <p>23 differences between the percentage of rape, sexual</p> <p>24 assault and other violent crimes reported to the</p> <p>25 police were not statistically significant.</p> <p style="text-align: center;">Page 147</p>	<p>1 Is that a figure that is, do you think, is</p> <p>2 within the range of what other outfits are reporting?</p> <p>3 A. That forty-eight percent of rapes or sexual assaults</p> <p>4 are reported?</p> <p>5 Q. Yes.</p> <p>6 A. No. I think it's much higher than most other studies</p> <p>7 have found.</p> <p>8 Q. The Bureau of Justice Statistics, isn't that one of</p> <p>9 the only organizations that actually follows up year</p> <p>10 to year with the people who they're studying?</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know the answer to that?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. My understanding was that this is the operation</p> <p>15 that has -- actually goes into people's homes, spends</p> <p>16 time with them, you know, asks questions, earns their</p> <p>17 trust, asks questions about every possible crime.</p> <p>18 A. Yeah. I think where NCVS data is usually problematic</p> <p>19 when it comes to rape and sexual assault is that they</p> <p>20 are asking about it through a lens of crime. They're</p> <p>21 saying has this crime happened.</p> <p>22 And there's a lot of data to show that when</p> <p>23 you ask people about sexual assaults that they've</p> <p>24 experienced in the context of health surveys, they</p> <p>25 recognize many -- they report many more of them. And</p> <p style="text-align: center;">Page 148</p>

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<p>1 the reporting rate goes a lot further down. 2 If you're just asking people who 3 conceptualize what happened to them as a crime, you're 4 going to see these higher rates of reporting and 5 you're going to often see sort of more stranger rates, 6 things like that. Where studies that ask people, you 7 know, still very well rationalized, has anyone ever 8 made you had sex through force or tried to force when 9 you were incapacitated. But they're not basing it in 10 this is a National Crime Victimization Survey. They 11 tend to find higher rates of sexual assault and lower 12 rates of reporting. 13 Q. You said the lower rates are when it's medically 14 oriented? 15 A. The lower rates of reporting. So you find higher 16 rates of sexual assault and fewer of those victims say 17 that they reported it to police. 18 Q. So would that -- that should lead us to believe that 19 maybe the two -- the balance is somewhere in the 20 middle? 21 A. No. I would say that it's probably just much more 22 accurate when you're not asking -- the NCVS uses 23 phrases like have you ever been attacked, things like 24 that, that are -- that researchers have criticized for 25 sort of triggering a lot of the rape myths in people</p> <p style="text-align: center;">Page 149</p>	<p>1 and leading to a lot of underreporting within the 2 NCVS. 3 MR. REINGOLD: I think I'll leave it at 4 that. Eric, if you want to ask some questions, I 5 think -- oh, there was one other -- one other thing I 6 wanted to ask about. Sorry, almost done here. 7 THE WITNESS: No problem. 8 MR. REINGOLD: Sorry for the delay. 9 THE WITNESS: No problem. You're giving me 10 the chance to hydrate. 11 BY MR. REINGOLD: 12 Q. Okay. I'm looking for a citation and I'm not finding 13 it, just a second. Let's look at paragraph 14 thirty-eight, this was talking about the entry and 15 getting SAKs. 16 Paragraph thirty-eight, you say after a 17 sexual assault -- after a sexual assault, victims are 18 routinely encouraged to seek out a medical forensic 19 exam, MFE. The MFE as a whole includes examination of 20 physical trauma, documentation of signs of penetration 21 or force, interviewing the patient, and collecting 22 evidence. 23 Having an MFE conducted post-assault is 24 routinely described an emotionally difficult, even 25 traumatizing experience, for sexual assault victims,</p> <p style="text-align: center;">Page 150</p>
<p>1 which helps explain why only twenty-one percent to 2 thirty-eight percent of victims seek such care in the 3 aftermath of an assault. Did I read that correctly? 4 A. Yes. 5 Q. I mean, you cited for this Zinzow, Ullman, and 6 Amstadter. And I think what you're saying is only 7 twenty-one to thirty-eight percent of victims seek an 8 MFE, is that right? 9 A. Correct. 10 Q. All right. And those are the ones who are going to 11 get the SAK if they want, right? 12 A. Correct. Yes. 13 Q. And you cite three different studies for that. You 14 cite Zinzow -- going from bottom up -- Ullman and 15 Amstadter. And that's for the proposition that only 16 twenty-one to thirty-eight percent of victims seek 17 MFEs in the aftermath of an assault. 18 I -- I don't have the studies in front of 19 me. But Zinzow wasn't studying MFEs. He was studying 20 only receipt of post-rape medical care in a sample. 21 And we know that the -- the twenty-one to thirty-eight 22 percent was not people who seek MFEs, but people who 23 seek medical care itself. 24 A. I'd have to take a closer look at that study. 25 Q. And his definition of sexual assault was only the most</p> <p style="text-align: center;">Page 151</p>	<p>1 serious sexual assaults, it was penetrative rape, 2 forceable rape, and incapacitation by alcohol. 3 A. What's the question? 4 Q. Did you -- I'm asking if you looked at Zinzow when you 5 made your -- when you cited it? 6 A. I'm sure I did. I would need to see it in front of me 7 to refresh my memory. 8 Q. Okay. Amstadter also did the same thing. It was a 9 study not of the number of people who get MFEs, but it 10 was a study of who gets medical care. It's a 11 different population. I mean, it's a different group, 12 right? One is a subset of the other? 13 A. Can you pull it up. 14 Q. I might be able to. Let me see if I still have it. I 15 thought I did and I couldn't find it. I don't -- I 16 think these are ones that I couldn't download. I -- 17 yes, hold on a second. 18 A. Sure. 19 Q. Let me get the names for you. All right. I'll share 20 Zinzow first. Can you see it? 21 A. Yes, thank you. 22 Q. Okay. So he -- he describes a sample and he describes 23 the -- the definitions. Let me just take it from the 24 top. It's all about medical care, seeking medical 25 care, and only seeking medical care.</p> <p style="text-align: center;">Page 152</p>

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<p>1 A. Uh-huh. 2 Q. It never mentions the word medical forensic exam. And 3 it defines the population as -- let's see the 4 definition. Focussed only on recent -- only rape 5 incidents that occurred of -- at age of fourteen 6 years. Rape was defined as digital, oral, penial, or 7 object penetration of the victim's vagina, mouth, or 8 rectum by a male or female without consent. 9 Cases of forceable rape needed -- needed 10 forced threat, injury, so forth, drug or alcohol 11 facilitated incapacitated rape. So when he's doing 12 this study, he's not looking at sexual offenders 13 generally. He's looking at a very refined, 14 edge-of-the-margin population of people who got the 15 most -- who were victims of the most serious offenses, 16 right? 17 A. Well, of penetrative rape, yeah, I don't think that 18 that's a small subset, but. 19 Q. No. No. I'm -- I'm -- well, we can look at the total 20 number of charges per year and it's not -- it might 21 not be a small -- you're right. It might not be a 22 small subset, but it's certainly nothing close to all 23 sexual offenses, right? 24 A. Yeah. There are absolutely non-penetrative sexual 25 assaults.</p> <p style="text-align: center;">Page 153</p>	<p>1 Q. But I'm saying if that's what he's studying, you're 2 not then allowed to say this is the percentage for all 3 sexual offenders, which is what you said. 4 A. Well, I don't think I was talking about sexual 5 offenders. I was talking about sexual assault 6 victims, right? 7 Q. Sorry, yes. And if you want me to show you the other 8 studies, I can show you those as well. Almost the 9 same thing, the Amstadter study is -- the definitions 10 are nearly identical. 11 A. Okay. 12 Q. So what I'm saying is you're -- you're generalizing by 13 saying I'm citing these three studies for the 14 proposition that twenty-one to thirty-eight percent of 15 sexual assault victims get MFEs. And I'm saying 16 you've got three studies that never mention the word 17 MFE. 18 A. Yes. 19 Q. All three relate to -- okay. That's a fair criticism? 20 A. Yeah. 21 Q. Okay. And the third study is a study of 22 African-American women in Chicago. And it has to do 23 with all kinds of care that included, I think, clergy 24 care and other stuff, although they did have a number 25 for medical care.</p> <p style="text-align: center;">Page 154</p>
<p>1 A. I'm imagining that number was specifically for medical 2 care. Most medical care at the hospital -- so when 3 someone goes to seek a sexual assault exam at the 4 hospital, that is generally referred to as a medical 5 forensic exam, regardless of whether they have a SAK 6 collected. 7 Most people who have a medical forensic 8 exam do have a SAK collected. But that overarching 9 post-assault exam by a sexual assault nurse, exam 10 nurse, that's generally referred to as an MFE. 11 Now, in this study right here, you're 12 right, they're talking specifically about post-assault 13 medical care. So it's very possible that the 14 percentage who received specifically a forensic exam 15 could be lower, possibly by about twenty percent. 16 Q. And -- okay. All right. Fine. 17 MR. REINGOLD: Let's end there. 18 THE WITNESS: Sure. 19 MR. REINGOLD: Thank you. 20 THE WITNESS: Sure. Absolutely. 21 MR. JAMISON: All right. So I just have 22 what I think will be some quick questions. 23 EXAMINATION 24 BY MR. JAMISON: 25 Q. At the beginning of your deposition we talked about</p> <p style="text-align: center;">Page 155</p>	<p>1 the number of individuals that are killed by drunk 2 driving every year. Do you remember that? 3 A. Yes. 4 Q. And I think it was around thirteen thousand. And then 5 there was a line of questioning related to how many 6 sort of undetected drunk driving instances there were 7 annually. Do you remember that? 8 A. I do. 9 Q. And is it fair to say there was a high number of 10 undetected drunk driving offenses every year? 11 A. Yes. 12 Q. Okay. And if it's an undetected drunk driving 13 offense, is there any victim or any harm involved? 14 A. No. And that's -- that was the point that I was 15 hoping to make in that line of questioning, is that I 16 would say we have a very high detected rate of drunk 17 drivers that cause harm. 18 Whereas, in sexual assault there's always 19 harm caused, regardless of whether it is detected or 20 not. And I think that's quite different. 21 Q. Is there ever a sexual assault where there's not a 22 victim? 23 A. Not that I can think of. 24 Q. What are the harms to victims of sexual assault? 25 A. I mean, they are immense in terms of psychological</p> <p style="text-align: center;">Page 156</p>

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<p>1 harm, emotional harm, physical harm, even economic 2 harm. I mean, sexual assault has one of the -- the 3 crimes at the highest rate of PTSD in its victims. 4 Yeah, I mean, the harms are extensive and immense. 5 Q. And do you know how many sexual assaults there are per 6 year in the United States? 7 A. Gosh, I -- I could find that relatively quickly in 8 research literature. Again, that would be an 9 imperfect figure based on reported sexual assaults or 10 other sort of social science survey estimates. So no, 11 I don't know that offhand. 12 Q. Are you familiar with the National Sexual Violence 13 Resource Center? 14 A. Possibly. 15 Q. According to information on the website, they say 16 there are seven hundred and thirty-four thousand 17 estimated people who are raped, including threatened, 18 attempted, or completed rape, in the U.S. in 2018. 19 Does that number sound high, low, or about right? 20 A. Oh gosh, it doesn't sound surprising to me. But 21 depending on how -- I would need to read so much into 22 the methods into how they're collecting that number 23 before I felt confident speaking to that estimate. 24 Q. All right. Circling back for a minute to the impacts 25 on the victims, can you explain more what mental</p> <p style="text-align: center;">Page 157</p>	<p>1 health impacts there would be on victims of sexual 2 assault. 3 A. Yeah. I mean, PTSD, shame, self-blame, depression, 4 anxiety, pretty much every negative mental health 5 effect you can think of is associated with sexual 6 assault. 7 Q. And what sort of relational impacts are there on 8 victims? 9 A. What do you mean relational impacts? 10 Q. Well, from what I understand, a lot of victims of 11 sexual assault are victimized by someone they know. 12 So what sort of impacts are there on their 13 relationships they have? 14 A. Yeah. I mean, there can be a real difficulty in, you 15 know, trusting people, in, you know, maintaining 16 relationships. Sexual assault, particularly if it was 17 sort of within one circle, can be really challenging 18 in terms of losing supportive relationships and things 19 like that. 20 Q. And what about the economic impacts to victims? 21 A. Yeah. So, you know, there's lost productivity in 22 terms of lost work, lost educational attainment. You 23 know, victims who leave jobs because their perpetrator 24 is associated with a job. Victims who, due to the 25 mental health impacts, you know, get fired from their</p> <p style="text-align: center;">Page 158</p>
<p>1 job, you know, all sorts of things like that. 2 MR. JAMISON: I think that's all I have. 3 THE WITNESS: Okay. 4 MR. REINGOLD: I think we're done. 5 (The deposition was concluded at 1:09 p.m. 6 Signature of the witness was not requested by counsel 7 for the respective parties hereto.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 159</p>	<p>1 CERTIFICATE 2 3 STATE OF MICHIGAN 4 COUNTY OF MACOMB 5 I, Heather DeMar, RPR, CSR, and Notary 6 Public in and for the above county and state, do 7 hereby certify that this deposition was taken before 8 me at the time and place hereinbefore set forth via 9 videoconference; that the witness was by me first duly 10 sworn to testify to the truth; that this is a true, 11 full and correct transcript of my stenographic notes 12 so taken; and that I am not related, nor of counsel to 13 either party, nor interested in the event of this 14 cause. I agree that I nor any person, attorney, 15 paralegal, or expert witness may make, copy, and/or 16 distribute to others for future sales, monetary gain, 17 or any other purpose, a transcript and/or video 18 without paying Tri-County Court Reporters the ordinary 19 and customary charges for any and all additional 20 transcripts. Transcript completed 6/5/2023. 21 22 Heather DeMar, RPR, CSR - 8951 23 Notary Public. 24 Macomb County, Michigan 25 My Commission Expires: 8/31/2023</p> <p style="text-align: center;">Page 160</p>

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